Probing the Boxer/Burton Connection

California JOURNAL

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Elder care:
The hidden crisis for California families

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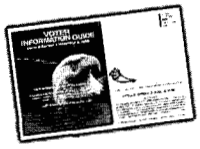

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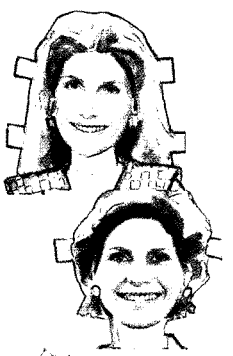

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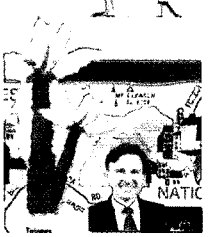

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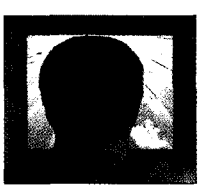

Elder Care

Senior Editor Sigrid Bathen won distinction — and a coveted national award — last year for her *California Journal* coverage of mental health care (see *CJ*, October 1997). This issue, Bathen, a veteran Sacramento journalist, takes on the topic of elder care and gives it her signature sweeping, thoughtful analysis. As more and more of us face wrenching choices over how to care for our aging family members, we find more and more failings in the existing elder care system. A recent Congressional report verified our worst fears, confirming what has been repeatedly found in numerous previous studies that — over the past three decades — the ratio of good to bad care hasn't changed much. Like many of her generation, Bathen, who has covered aspects of health care since the early 1970s, watches her own parents aging in place in her native Chico. But unlike many elders who have limited support systems, they remain reasonably independent, fortified by a strong extended family. For those without such resources, the prospect of languishing in a nursing home, some of which are substandard, remains the ultimate indignity. Finally, the political climate may be ripe for change.

By Cynthia H. Craft

Illustration by Dagmar Thompson

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No brainer of the year. A "Pollie" to California political consultant **Garry South**. A "Pollie" is the award given by the American Association of Political Consultants to honor the nation's "Campaign Manager of the Year," and this year it went to South, who engineered **Gray Davis'** 1998 march from "road kill" to corner office. He was honored at a black-tie dinner in Washington, D.C., this past January. The stunning nature of South's work is hard to grasp even now, nearly three months after the fact. He ran a campaign that made *Gray Davis,* of all people, governor of California. Although the term rankles Davis to this day, "road kill" is a charitable characterization of a politician once viewed as too relentlessly ambitious to ever have his ambitions realized. South — and Davis himself, of course — deserve the credit for one of the great ressurections in California political history.

Just when you thought... Although the heated rhetoric and mailbox-stuffing that marked Campaign '98 has barely subsided, beware. Here comes Campaign 2000. And if the first broadsides are any indication, don't look for a lot of logic in the rhetoric to come. Former Assemblyman **Bernie Richter** (R-Chico) recently fired off a reminder to voters of the 1st Senate District that he has decided to offer himself as a candidate to represent them once their current legislator — Republican **Tim Leslie** — is termed out in 2000. His missive was in the form of a complaint that Assemblyman **Rico Oller** (R-San Andreas) also decided to run for the same office. But his logic was a puzzler. Richter indicated that, somehow, Oller's candidacy ran counter to the spirit of term limits while his — Richter's — was in keeping with that spirit. Richter vowed his continued support for term limits, while at the same time announcing his intention to extend his legislative career.

Good news? The good news for Assemblyman **Scott Baugh** (R-Huntington Beach)? His felony trial for campaign-law violations has been removed from the Orange County District Attorney's Office. The investigation had been conducted under the direction of former D.A. **Michael Capizzi**, who left office last year to make an abortive run for the GOP nomination for attorney general. Capizzi's replacement, **Tony Rackauckas**, has recused himself from the case, citing the fact that, as a local judge, he once discussed it with colleagues hearing pieces of the case. The potential bad news? The case hasn't been dismissed. Rather, it has been dumped into the lap of the state Department of Justice where the decision to continue the prosecution — or dismiss it — will be made by the new attorney general. That would be **Bill Lockyer**, Democrat, former liberal legislator.

Making it a safer world. The most marvelous spectacle in politics is the crusade, especially when it is manufactured out of whole cloth. Senator **Richard Mountjoy** (R-

The politics of grumpy. If you believe the spin of some Republicans, the speakership of one **Antonio Villaraigosa** is about to disintegrate, burned to a crisp by chronic grumpiness infecting Assembly Democrats. And, true enough, some Democrats are pouting because the speaker is not properly holding their hands and making serious note of their whimperings. They complain that he is never around, choosing instead to ramp up his presence in hometown Los Angeles — ostensibly positioning himself for a mayoral bid in 2001. Some Northern California Democrats are fuming over the fact that Villaraigosa recently replaced two of their ilk — **Kerry Mazzoni** (D-San Rafael) and **Ted Lempert** (D-San Carlos) — on the Allocation Board with Democrats from Los Angeles. And still others are upset by the banishment of some committee staffs to an office building across N Street, and by the fact that the speaker's office rejected some salary increases for key staff. But Republicans would have you believe that Democrats have become so enraged that some of them are about to conspire with Republicans to dump the speaker. If you are a buffoon, you will believe this bit of patent nonsense. Still, all is not rosy for the speaker. The grumpiness is not manufactured by Republicans; it exists. And although it may be characterized as nothing more than smoldering embers, history is filled with examples of an ember bursting into an out-of-control brushfire.

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Arcadia) would have you believe that the world is threatened by the fatal combination of remote smog-sensing devices and bureaucrats. According to Mountjoy, a loophole must be closed in a law exempting pre-1974 cars from undergoing smog checks. The roadside sensors, Mountjoy insists, can determine if an exempt vehicle needs to be tested anyway. And the villian? Those pesky bureaucrats who can "trap older cars." Mountjoy invoked the word "bureaucrats" five times in a one-page, seven-paragraph press release. Just in case we missed the point. Meanwhile, Assemblyman **Scott Wildman** (D-Los Feliz) wants to make the world safe from the dreaded laser pointer. "Laser pointers are not toys," Wildman insists, adding that laser pointers can do damage if aimed directly into the eye, and that their proliferation threatens the safety of police officers and others. As a result of his concern, he has introduced a bill to prohibit misuse of laser pointers. All well and good. But in his ramp up to announcing the bill, Wildman used an odd source for professional testimony on the dangers of laser pointers. Rather than police officers, Wildman cited the concerns of a group of Glendale Cub Scouts, who apparently shared their views on the subject at a recent pack meeting. "These Cub Scouts really know what they're talking about," Wildman concludes. Yes, they probably do know what they are talking about with regard to laser pointers. Unfortunately, Wildman's law applies to those who aim a laser pointer at a peace officer. Cub Scouts are on their own.

Mr. Diversity. Assembly Speaker **Antonio Villaraigosa** (D-Los Angeles) touts himself as an adherent of the "the content of one's character rather than the color of one's skin" notion advanced by **Martin Luther King Jr.** But Villaraigosa's colorblind philosophy doesn't seem to extend to political matters within his own caucus. Villaraigosa backed former Assemblyman **Elihu Harris'** bid to return to the lower house in a special election held last month to replace now-Senator **Don Perata** in Oakland's 16th District. Villaraigosa early on endorsed Harris but then took the unusual step of salting his endorsement with firepower — a full-court press, as one source indicated: phone banks and precinct walkers gleaned from the ranks of "vacationing" legislative staff. Why meddle to this extent in what essentially was a local duel? It wasn't as though Democrats could lose the seat; three of the four candidates were Democrats, and the fourth was a Green. But Harris, who most recently served as mayor of Oakland, found himself in some trouble only a week before the February 2 election, with applicant attorney **Frank Russo** making a stronger-than-expected run for the Democratic nomination. Why should even this trouble the speaker? Apparently, because Harris is black and Russo is white. According to several sources, Villaraigosa was concerned that his caucus had no African-American member from north of the Tehachapis. "He [the speaker] believes that we need more diversity, and this district traditionally has been represented by an African American, and that is best for that community," said one source. Maybe it's a faulty memory, but we don't remember Villaraigosa complaining about the lack of diversity when the district was represented by Perata, who is white.

"There are moral imbeciles just as there are mental imbeciles; ...yet the man born with a deficient moral nerve is a thousand times more dangerous than the mental defective."

— Sidney Harris

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Laughline:

Crossing party lines

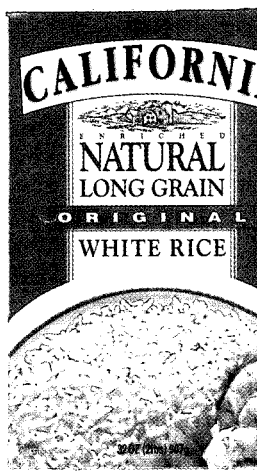
When Darrell Steinberg (D) hoisted himself up the political career ladder in 1998 to win a seat in the state Assembly, he did more than just make his mama proud — he added some meat to a bare-bones, fledgling legislative caucus. You've heard of the Latino caucus, the black caucus, the women's caucus? Well, this is the "berg" caucus, or so proclaims Assemblyman Bob Hertzberg (D), who good-naturedly fused this label onto the team of himself and Assemblyman Keith Olberg (R). At a recent one-day conference on implementing the massive 1998 school bond measure, Hertzberg followed Olberg in addressing a gathering of hundreds of school officials. With a nod toward his Republican colleague, Hertzberg warmed up with a few jokes that included news of this surname-based bipartisan club, adding "Let me tell you, ladies and gentlemen: We just added Darrell Steinberg to the caucus and we are going to do great things!" Ba-dum-dum.

Thompson

Follow the Money:

Burn, baby, burn

Many harvest moons ago, Democrat **Mike Thompson** represented voters where Sacramento region rice growers flooded their fields and planted their crops. But not recently. His last stint in the state Capitol was on behalf of the wine-growing Mecca of Napa Valley. Still, that did not stop him from carrying a bill for the rice growers before moving on from the state Senate to Congress in 1998. The bill allowed rice growers to burn twice as much crop residue as before — so long as they burned half in spring and half in the fall. This reversed a previously hard-won clean-air law that required rice growers to find other, environmentally safer ways to dispose of their rice hulls. That phase-out mandate was costly, growers said, and threatened profits.



So Thompson, a friend of agriculture, authored SB 318 allowing rice growers to burn hulls semi-annually, rather than just annually. Now burn season sends polluted air drifting over the Sacramento region not just once a year, but twice.

Interest groups show their support in dollars and the rice industry sent Thompson's campaign $5,000 before the bill's passage. Then, during the 1997-98 cycle that boosted him to Congress and earned him a seat on the House Agriculture Committee, Thompson received another $5,000 from the Farmers' Rice Cooperative and $1,000 from the California Rice Producers' Group.

Thompson's tenacity on behalf of his friends shows that, in California's state Capitol, where special interests are king, no battle is ever won that can't later be undone.

— Cynthia H. Craft

Quotables.....

"The sun was shining, there were no floods, fires or earthquakes. Taxes didn't go up. I must be one hell of an acting governor."

— Senate President Pro Tempore John Burton (D), on restraining from mischief while sitting in for Governor Gray Davis while he visited Mexico with Cruz Bustamante, the lieutenant governor.

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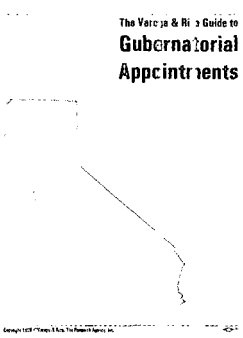
Excerpts: From the Bookshelf

Obscure, but telling

Guide to Gubernatorial Appointments
Varoga & Rice
The Research Agency Inc., 1998

The twosome behind this tome didn't set out to get rich in publishing, and it's a good thing, too, because their work has — shall we say — only limited, wonkish appeal. But to some lucky centrists coveting membership in the exclusive FOG Club, this slim book could be worth its weight in California gold. Where else can you get the inside track on such once-in-16-year opportunities as an opening on the Youthful Offender Parole Board, or the Alarm Company Operator Disciplinary Review Committee, or the Landscape Architect Technical Committee?

Among the 180 documented boards and commissions, and 182 exempt positions Governor Gray Davis can fill at whim (picture *your* face here) are some tantalizing traces of the stories left behind by the *previous* administration. As you can imagine, says Mike Rice of the Oakland firm Varoga & Rice, a governor's appointments say a lot about his or her agenda.



Look, for example, at Republican Governor Pete Wilson's appointees to the Mexican American Veterans' Memorial Beautification and Enhancement Commission. There weren't any. Zero. *Nada.* Zilch. Of seven slots that the governor was authorized to fill on the 11-member board, he bothered to fill not a one. Makes sense when you consider his policies and politics.

Other boards with vacancies that Wilson left unfilled were the Commission on the Status of Women, with two open seats for public members (the easiest to recruit); the Santa Monica Mountains Conservancy, with one unfilled public seat; and the Fair Access Insurance Requirements Governing Committee, with one public and one insurance broker seat left vacant. (Insurance companies didn't much care for the FAIR mandate anyway.) Then there are the two posts Wilson left unfilled on the Board of Governors of the State Bar Discipline Audit Panel. One could argue that leaving these empty was prudent, since he later would strip the state Bar of its disciplinary muscle anyway.

— Cynthia H. Craft

By the numbers

Crystal ball: Early polling on Y2K presidential primary

53% California Democrats who would vote for Al Gore.

42% California Republicans who would vote for George W. Bush.

76% Share of Latino voters who support Gore.

51% Gore's share of voter support across party lines.

27% Bush's share of voter support across party lines.

31% Pete Wilson's share of voter support across party lines

22% Share of Latino voters who support Wilson.

5 Point lead Wilson has over Gore in the Central Valley.

22 Point lead Gore has over Wilson among men voters.

24 Point lead Gore has over Wilson among women voters.

Source: Public Policy Institute of California survey, asking likely voters who they'd support if the 2000 presidential primary were held today.

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Photo by Heather Dalmont of her grandmother, Marian Frances McNamara, shortly before her death June 17, 1998, in Care West Convalescent Hospital in Santa Monica.

Taking care of our elderly

Elder care – and elder abuse – may well become the political *cause celebre* as the parents of boomers reach the ends of their lives, leaving their children to confront issues of aging and mortality.

By Sigrid Bathen

In the early 1970s, fresh out of Leeds University Law School in Yorkshire, England, Paul Greenwood spent two years in the British equivalent of the Peace Corps, as a teacher in Kenya. It proved to be a formative experience. Today, he works for the San Diego County District Attorney's Office, where he heads one of California's most aggressive local prosecution programs targeting criminal abuse of the elderly.

"My experience in Kenya helped form my view of how the elderly should be treated," Greenwood says. "The level of respect given to older people in the African culture left a profound impact on my life. We have so much to learn."

Since the elder abuse unit was formed three years ago, it has prosecuted more than 200 felony cases of elder abuse – ranging from murder and rape to the increasingly common financial rip-offs of elderly people, often by so-called "caregivers" who exploit the physical and mental infirmities of senior citizens trying to remain in their own homes. Last month, Greenwood was the prosecutor in the trial of the 44-year-old daughter of 82-year-old

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Alzheimer's sufferer Marguerite Young, who died on June 23, 1997, of "blunt force injuries" in the filthy Chula Vista mobile home she shared with her daughter Linda. Greenwood said the daughter had a history of neglecting her mother and once threatened to kill her. The daughter insisted her mother fell.

Last summer, Greenwood successfully prosecuted Phillip Armour, 45, for the murder of his wealthy, 71-year-old mother, Emy Armour, who had invited her son to live in her San Diego home to get him away from the Los Angeles drug culture. Shortly before she was bludgeoned to death with a crowbar on July 15, 1997, she had asked a friend to remove from the house three guns belonging to her son. Armour was arrested by CHP officers on Interstate 5 north of Oceanside, driving his mother's Mercedes at 100 mph, whacked out of his head on heroin, a half-empty bottle of vodka in the car. He had forged his mother's signature on a check to buy $1,000 worth of heroin.

The San Diego cases, while extreme, illustrate the growing seriousness of elder abuse in California and elsewhere – and the increasing pressure on government agencies to better monitor treatment of the elderly at home and in a wide range of residential and nursing facilities, including the state's more than 1,400 nursing homes. Although the state Attorney General's Office is charged with prosecuting elder abuse in nursing homes through a section of its Bureau of Medi-Cal Fraud, it has taken on few criminal cases in recent years — a trend likely to be reversed under the administration of Attorney General Bill Lockyer.

Paul Greenwood, San Diego elder abuse prosecutor

Senior Assistant Attorney General Tom Temmerman, who heads the Medi-Cal fraud bureau, says increased staffing will permit the A.G. to step up investigating and prosecuting elder abuse in nursing homes. "Referrals [mainly from state licensing inspectors] have gone up dramatically," he said, "although only a small number rise to a criminal violation." He said the elder abuse prosecution unit has more than 200 "active cases," mostly misdemeanors, under investigation. The unit filed nine cases in 1996, 29 in 1997 and 47 in 1998. Of those cases, only two resulted in convictions in 1996, 12 in 1997 and 18 in 1998. Of the 18 convictions last year, 11 were felonies.

Lax enforcement

Many of the more egregious cases of elder abuse are prosecuted by local district attorneys, while a mish-mash of state and local licensing authorities are responsible for monitoring the growing field of in-home care and inspecting residential and nursing facilities. Inspectors have the authority to levy fines – which often are reduced or never collected – as well as suspend or revoke facilities' licenses and refer serious cases for possible criminal prosecution. An increasingly powerful elder-care consumer lobby angrily denounces state enforcement as lax and ineffective.

Nursing home photos courtesy of Calif. Assn. of Health Facilities

Grantland Johnson, the former federal health administrator and Sacramento County supervisor who is Governor Gray Davis' Secretary of Health and Human Services, says elder abuse is a major priority of the Davis administration. "We have to look at tougher and more effective enforcement," he said. "We can be tough on the books, but if it's not effective, it's meaningless."

"We can't continue the way we are," says Pat McGinnis, executive director of California Advocates for Nursing Home Reform (CANHR), which she founded in 1983. A tireless, sharp-tongued activist, McGinnis is a walking encyclopedia on elder abuse and a constant thorn in the side of the nursing-home industry. CANHR regularly publishes detailed reports on abuses in nursing homes – and points consumers to those that deliver quality care (see story on page 16).

"We know that this system does not work," says McGinnis. "There have been 10 federal hearings in the past year alone. I just don't think the level of outrage is there for people in nursing homes. People really don't think about

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nursing homes until they have to."

Recognizing the expanding universe of elder care, CANHR devotes nearly one-third of its nonprofit resources to other forms of in-home and residential care beyond nursing homes. McGinnis and other elder-care advocates also say the political climate for bringing elder abuse to the forefront is changing with the aging of the population.

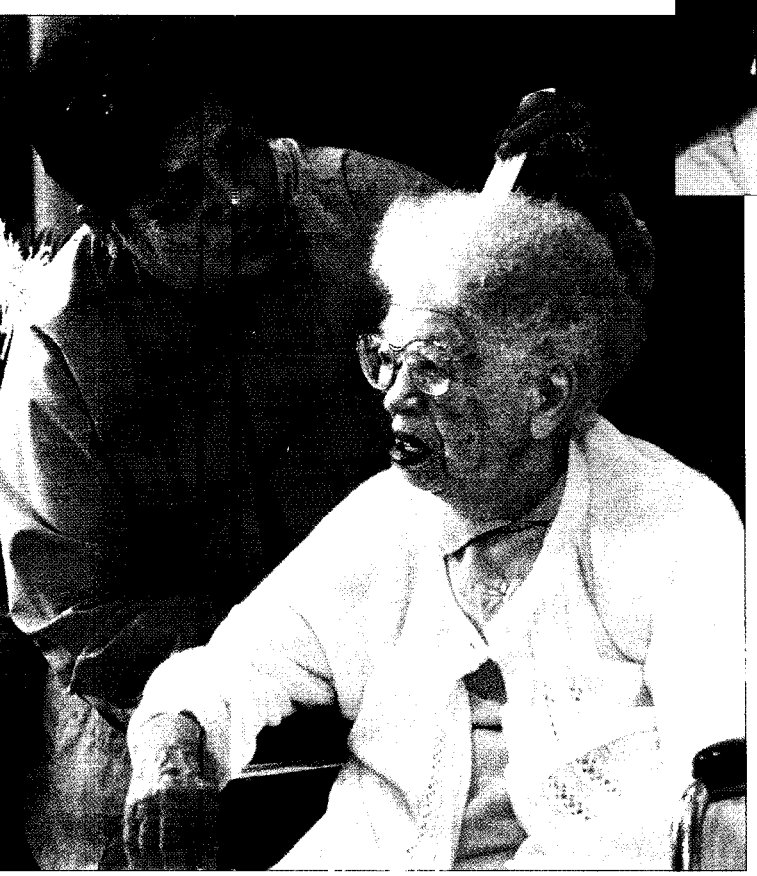
"It's always amazed me that previous administrations haven't taken this issue and used it as a political issue," she says.

Cases unearthed by a growing number of investigators and prosecutors have helped to galvanize the attention paid to elder care.

"A lot of the physical abuse cases involve sons in their late 30s or early 40s, living at home with an elderly mother," says San Diego's Greenwood. "They may have a gambling or alcohol or drug problem and are exploiting the mother financially. I am absolutely staggered by the number of calls we get, telling tales of how another senior citizen is being or about to be exploited or abused."

'A matter of luck'

Greenwood says it is often "simply a matter of luck" when a case of abuse, neglect or financial exploitation is referred to local law enforcement. "There are employees in these facilities who see things on a daily basis but are afraid to come forward for fear of retaliation." In several recent cases his unit has prosecuted against employees of nursing homes, facility administrators called police. One case involved an alleged attempted rape of an Alzheimer's sufferer by an employee. The victim was unable to speak, says Greenwood, "and it was a tough case" to prosecute. The employee was acquitted. Two other cases of sexual abuse of patients in nursing homes are pending, he said, and one employee accused of hurling a bedpan "like a frisbee" at an elderly Alzheimer's patient, causing a gash on her leg, confessed to the crime and was sentenced to jail.



Pat McGinnis, Executive Director, Calif. Advocates for Nursing Home Reform

The bulk of cases in the three-year-old San Diego elder abuse unit involve financial exploitation. "I think this industry is attracting would-be perpetrators who want to infiltrate a senior citizen financially," Greenwood says. "We have seen agencies not complete thorough background checks for in-home personnel, or just do local checks, and we have found some [workers] with serious criminal records, second- and third-strikers. I would suggest there are many people on parole or probation actively looking for work taking care of seniors. It's a lot easier than robbing a bank." Sometimes, the predators answer newspaper ads run by naive, desperate seniors looking for home-care personnel. "They may wait a few weeks [after being hired]," he says, "then they'll encourage the senior, who is often non-ambulatory, to sign blank checks. They'll take the senior's ATM to the store, complete credit card applications that come through the mail in the senior's name."

In-home health-care personnel hired through government and private agencies are subject to criminal background checks, as are nursing-home staff, though critics say that process is sometimes spotty and plagued by delays. Effective last July, "certified nursing assistants," the low-wage backbone of the nursing-home industry, must have background checks completed prior to taking the competency exam for the position. Brenda Klutz, deputy director of licensing and certification for the state Department of Health Services, which inspects and licenses nursing homes, said CNAs were not subject to criminal background checks prior to July, when the law was changed.

The task of running criminal background checks on home health-care aides (HHAs) and certified nursing assistants under the new law is daunting. As of December 31, 1998, according to DHS, there were 114,255 "active CNAs" and 108,923 HHAs —and only 97,590 had been cleared in both classifications under the new law, which means "not everyone who is sent out to work [in a nursing home or private home] will have had a criminal background check," said Christina Smith, who heads the DHS unit responsible for monitoring aides and assistants. She said the percentage of aides found to have serious criminal records has been very low, roughly 1 percent.

The state Department of Social Services oversees the so-called "non-medical" side of home and residential care for the elderly, and in-home workers hired through county-

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based In-Home Support Services (IHSS) to perform housekeeping and other tasks for the elderly in their homes are not required to undergo criminal background checks.

Elder-care activists say a coherent inspection and enforcement system for reporting neglect and abuse of the elderly – in their own homes, by a caregiver, or in a residential or nursing facility – is badly needed in California. In addition to 1,400-plus nursing homes, with 120,000 beds, there are more than 6,000 residential "board and care" facilities, with 129,000 beds, often in private homes licensed to care for a small number of seniors who do not have serious medical conditions requiring nursing-home care. Those facilities are inspected and licensed by the state Department of Social Services and offer a wide range of care options – and, critics say, the quality of such facilities, like nursing homes, varies widely.

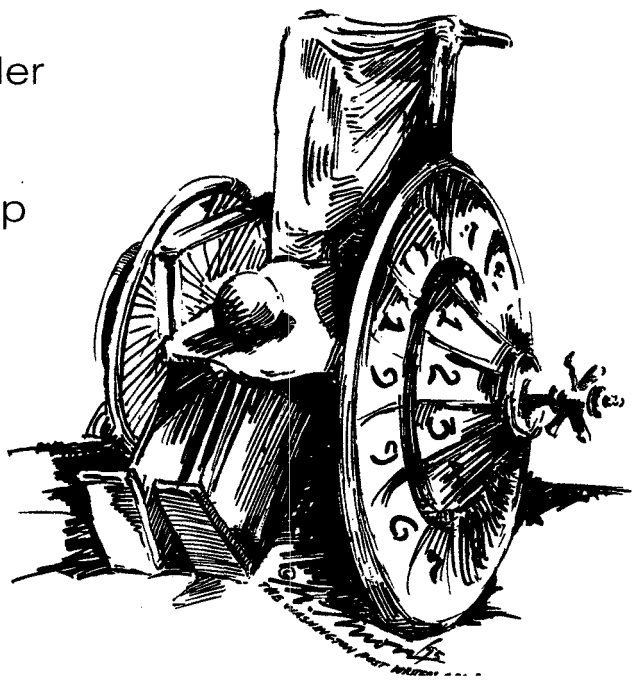
'Aging in place'

Patrick Luby, state legislative representative for the American Association of Retired Persons (AARP), says Californians are increasingly "aging in place" — that is, "people are trying to figure out what will help Mom and Dad stay at home. We need more home- and community-based care. People don't want to lose their homes. Eventu-

After education, is elder care next?

As time comes to heed the call for elder care reform, industry providers regret losing a protector, and Assembly Majority Leader Kevin Shelley steps up to fill a void of legislative leadership

By Anthony York



As state politicians prepare to shift their laser-focus from education, there is increasing momentum in the Capitol to reform the system of care for California's elderly. The movement is generated in part by sheer necessity. California's fastest-growing demographic group is the 80-and-over set, and as baby boomers begin to wrestle with caring for their parents, and securing quality care for themselves as retirees, the issue becomes increasingly visible. Advocates, union representatives and nursing home owners all agree in principle that the status quo is no longer good enough — but that seems to be where the agreement ends.

Unions and advocates see eye-to-eye on many reform issues, while industry representatives, led by the California Association of Health Facilities, have often found themselves the odd one out in the interest group triangle.

"A lot of these nursing homes are *gulags*. I would rather die than go into some of these places," said Charlie Ridgell, convalescent director for SEIU Local 250, which represents more than 41,000 health service workers in Northern California. "We all agree that something has to be done, but right now there's just no trust among the different groups. There's no love for some of these nursing home operators with the union and some of the advocate groups."

That said, unions and advocates, which have traditionally allied themselves with Democrats against the industry and its Republican supporters, realize nothing is guaranteed simply because a Democrat now occupies the governor's office. "There's no free pass for the union with a Democratic Legislature and governor," Ridgell said. "We're not just going to be able to walk in and say this is how we want it to be."

But with Sacramento now a one-party town, there is increased pressure on the industry to come to some agreement with the other two major interest groups involved in the legislative fight.

Part of that pressure comes from the loss of a key industry ally — Governor Pete Wilson. In 1997, Wilson vetoed legislation by Assemblyman Martin Gallegos (D-Baldwin Park) that would have increased fees and liability for nursing homes that fail to meet basic standards of care. Wilson's veto led to a new, and advocates argue watered-down, version of the bill being signed a year later.

One point everyone seems to agree on is that increased payments are needed above the flat rate of $88-per-patient-per-day currently paid by Medi-Cal. Raising these reimbursements is the top priority for industry lobbyists,

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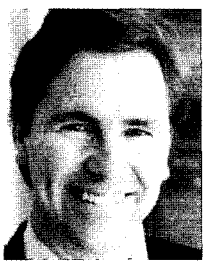
ally, this country will figure out that we're all getting older, and nobody wants to go to a nursing home. This issue is not going to go away. It has to have some more attention." Increasingly popular are facilities that offer a wide range of options – from independent apartment living to nursing home care, often on one campus-like site.

Mel Matsumoto, a past president of the California Association of Homes and Services for the Aging, a statewide association of some 400 nonprofit facilities and agencies, who is the administrator of a highly regarded multi-level retirement community, The Redwoods, in Mill Valley, says more facilities for the elderly need to be nonprofit and community-based. Many nursing homes are owned by large, often out-of-state corporate chains, some of which report substantial profits and huge CEO salaries. In legislative testimony in January, Matsumoto likened the crisis facing elder care to the much-publicized crisis surrounding California's troubled public school system.

"The best schools are the ones in which the parents are most active," he says. "There is an analogy in nursing homes. Ask staff which residents in a nursing home get the best care, and they will tell you the residents whose family and friends visit the most often."

Line workers in nursing homes say they are grossly

who argue the average cost of providing care is actually $100-per-patient-per-day. But unions and advocates both want to see the bump in Medi-Cal payments tied to guaranteed increases in worker training, staff-to-patient ratios within the facilities, and more rigorous enforcement and fines levied by the Department of Health Services.


Kevin Shelley

The changing political climate and demographics have added a sense of urgency to resolving the current stalemate, and have elevated long-term care reform toward the top of a crowded California policy agenda. The annual, bi-partisan Senate Fiscal Retreat was dominated this year by health-care reform discussions, and Assembly Majority Leader Kevin Shelley (D-San Francisco) is ensuring that long-term care will be a major focus of an upcoming Democratic policy retreat.

For Shelley, the issue is a fusion of the personal and political. He represents roughly half of the city of San Francisco, which has a senior population of nearly 24 percent, roughly twice the average of the rest of California, and was involved with issues of long term-care as a member of the San Francisco Board of Supervisors. But Shelley's involvement in the issue deepened when his mother, Thelma, was suddenly in need of long-term care.

In 1994, shortly after his election as president of San Francisco's supervisors, Shelley received a phone call summoning him home from a European vacation. His mother was comatose in a San Francisco hospital. "Basically, I thought I was going to have to decide whether or not to keep my mother on the ventilator," an emotional Shelley recalled. "When I got to the hospital, she was in a coma, and I was just talking to her throughout the night, saying 'Please mom, come out of it. Please wake up.'"

Much to his surprise, she did come out of the coma after just a couple of days. But her recovery was slow and limited. She had gone nearly eight minutes without oxygen, and suffered permanent brain damage. His mother was eventually placed in a rehabilitation facility for months, but was never placed in a full-time nursing home. "We never needed to go to that step," Shelley explained. "Eventually, she came home and we brought someone into the house to live full-time with her. We were able to afford that; not everybody is." But in the process of looking for care options for his mother, Shelley visited dozens of Bay Area nursing homes. The results, he said, were horrifying. "Ninety percent of the ones I saw, I wouldn't put my worst enemy's grandmother in them," he said.

Shelley's legislation, which he dubs as a work in progress is the major piece of nursing home reform legislation being considered this year. "It appears that Kevin is emerging as the venue on the Assembly side," said Dave Helmsin, a well-known and powerful Sacramento lobbyist for CAHF. So it is Shelley who is receiving increased visits from lobbyists on all sides of the issue.

While pushing for increased state funding, the industry balks at the idea that increased penalties for deficient facilities lead to better care. Instead, they want to see reforms on the federal level changed to better measure the quality of care in California's more than 1,400 nursing homes.

"I think that reimbursement and enforcement are complicated issues," Helmsin said. "We all agree something needs to be done, but we're not close to agreeing just what that is. Advocates want more penalties and increased liability. They just want to get a bigger stick to beat quality out of the providers. We think this system is in need of some more long-term, structural changes." Helmsin advocates the creation of a new task force to ensure that standards more accurately reflect a goal of quality nursing home care.

Advocates say the call for a new task force is just another stonewalling attempt by an industry that has lost its champion in Pete Wilson. "Wilson was a toady for the industry," said Pat McGinnis, executive director for California Advocates for Nursing Home Reform. "They say increased penalties don't work. I say, we've never tried it so how would they know?"

In the Senate, John Vasconcellos (D-San Jose) remains the driving force on the issue as chair of the Health and Human Services subcommittee on Aging and Long-term Care. Health Committee Chair Martha Escutia (D-Bell) is also likely to play a role in guiding pertinent bills through legislative hoops.

In the Assembly, it is perhaps another sign of the issue's growing political clout that a new standing committee on

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underpaid and overworked. Certified nursing assistants who testified in a state legislative hearing in January told of supplementing meager facility supplies with their own limited funds. "It's horrible," said Nancy Herrera Barrett, assistant director of the long-term care division of Service Employees International Union (SEIU), Local 250. "I talk to CNAs every day who are in tears because they can only spend seven minutes per patient. They can't clean them, they can't walk them, they can't turn them. On $6 an hour, their own children are on the Medi-Cal rolls, or uninsured."

Decades of criticism

California's troubled nursing home industry has frequently been the target of federal and state investigations going back decades. In a recent U.S. General Accounting Office report, fully one-third of the state's nursing homes were cited by state inspectors for "serious or potentially life-threatening care problems." Reviewing more than 3,000 cases of patients who had died in nursing homes in 1993 from such treatable conditions as malnutrition, dehydration, pressure sores (bedsores) and urinary tract infections, the GAO medical team carefully selected a sampling of 5 percent of those cases for intensive review and found that more than half of those 62 elderly residents "received unacceptable care."

"Care problems" identified by the GAO medical team

Aging and Long-term Care has been created by Assembly Speaker Antonio Villaraigosa (D-Los Angeles). The committee is headed by San Jose Democrat Elaine Alquist, who was chair of the committee last year when it was a select committee and did not have any actual say in the fate of legislation.

"We are fortunate that the speaker has taken the select committee on aging and created a standing committee," Alquist said. "It shows an increased commitment to dealing with the issues that affect seniors in California when it comes to long-term care."

But reform advocates had trouble with Alquist during her tenure as the select committee chair and bristled at her hiring of former industry lobbyist Bonnie Darwin as principle consultant for the committee. "She's much too close to the industry," McGinnis said bluntly. "I'm just grateful that Kevin is getting involved."

Though Alquist expects all nursing-home legislation to come before her committee, a breakdown of the committee's jurisdiction published by the Assembly Rules Committee leaves that a matter of some debate. Some close to the issue expect the bill to go before the Assembly Health or Human Services committees, whose chairs — Gallegos and Assemblywoman Dion Aroner (D-Berkeley) respectively — enjoy better relationships with the unions and reform advocates and figure to play prominent roles this year.

In addition to the Alquist committee's limited jurisdiction, there are other signs to indicate that many of the nursing home reform issues will be reconciled in the office of the majority leader rather than in that of the the committee chair. For one, Erin O'Keefe, who was the principle consultant for last session's select committee under Alquist, has moved over to Shelley's office.

Shelley insists that he is not trying to infringe on Alquist's legislative territory. "The Health Committee has some jurisdiction, Human Services has some, and I would say Aging has the least amount as far as these issues are concerned," Shelley said. "I took this issue on as majority leader to send a message to the people involved in this issue that this is so important, we're not going to get bogged down by some of the problems that can arise out of multiple jurisdictions."

But Shelley also stands to gain by taking on elder care as a pet issue. With term limits compressing the amount of time a lawmaker has to impress constituents, and with a possible future congressional bid in the cards for the second-term Democrat, there are certainly potential political up-sides for leading the charge on this issue.

Though a fusion of the personal and political has visibly ignited the fire within Shelley, the real test will be whether his newfound devotion can endure the constant volleying and legislative minutiae that comes with cutting complex, multi-pronged deals. It is a task Shelley says he is up for. "I'm so jazzed about this. As a lawmaker, you get involved in so many things, but there are not that many things that really, really grab you," Shelley said. "This is an issue that absolutely fuels my passion, and it's one that I'm going to devote a lot of my time and not-insignificant energy to."

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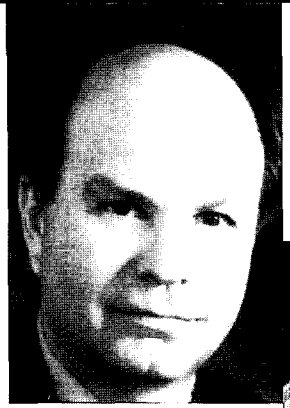
included "dramatic, unplanned weight loss, failure to properly treat pressure sores, and failure to manage pain." In one case, a patient admitted to a nursing home for physical therapy rehabilitation following hip surgery died five days later from septic shock caused by a urinary tract infection. According to the GAO, nursing home staff failed to monitor fluid intake and output while the resident was catheterized and failed to notify a physician as the patient's condition deteriorated. A physician was contacted only when the patient's family visited and found him unresponsive. The doctor ordered intravenous antibiotics, which were not administered for eight hours. The patient died three hours after the IV line was finally inserted.



Gary Macomber, executive vice president California Assn. of Health Facilities

Charlene Harrington, Professor of Behavioral & Social Sciences, UCSF

It is a sad and endless litany, well-documented in the crisp investigative style of the GAO: patients lying in urine- and feces-soaked beds, bedsores to the bone, patients pleading for help and repeatedly ignored, nursing-home staff reporting therapy that was not provided, falsifying documents, failing to provide sufficient fluids and food to patients, refusing to take patients to the toilet, failing to notify physicians or family members about the serious deterioration of patients.

Charlene Harrington, a professor of nursing and sociology at the University of California-San Francisco School of Nursing, has heard it all before. The director of licensing and certification for the former state Department of Health in 1976 under then Governor Jerry Brown (before the Health Department was "reorganized," broken up into smaller departments, following repeated scandals in nursing homes, state hospitals and "prepaid health plans," the precursors to HMOs), Harrington says she attempted to toughen enforcement sanctions against nursing homes but was largely ignored by other department brass and the governor. She recalls that a scathing Little Hoover Commission report on nursing homes nearly a quarter-century ago came up with the same proportion of substandard nursing homes as the GAO – one-third.

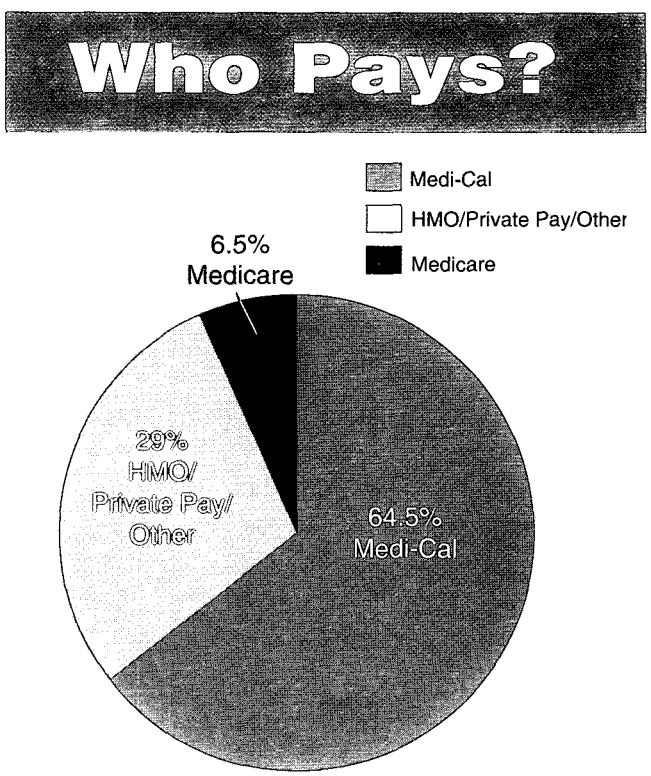
Familiar litany

"The statistics are almost exactly the same," she mused. Testifying before the state legislative hearing on long-term care in January, she recommended much tougher enforcement. "You have an industry [nursing homes] trying to make a profit, and you have inadequate staffing standards. Your care is always going to be poor. You can beef up enforcement, but you can't beef up care because you don't have the people to do it. We're not regulating the industry. We're not enforcing what is on the books now, and what is on the books is too low. We're not making [nursing homes] accountable."

She and other elder-care advocates are particularly critical of surveys showing that only about one-third of nursing home budgets are spent on patient care – a figure the industry hotly disputes – and point to huge CEO salaries and profits for the big nursing-home chains that increasingly dominate the California industry, into which an estimated $5 billion, 70 percent in public funds, was poured in 1997 alone. In statistics cited by Harrington and other elder-care advocates, six of the big nursing-home chains that do business in California reported 1997 revenues ranging from $1 billion to more than $3 billion, with profits ranging from $32 million to nearly $225 million. According to its 1998 Status Report on California's Nursing Home Industry, CANHR listed 1997 CEO salaries for the top six nursing home chains that ranged from a high of $18.4 million to just under $1 million, plus substantial additional compensation in company stock.

"While CEO compensation for nursing-home chains increased over 80 percent [in] 1996 and 1997," CANHR concluded, "the average hourly wage for nursing assistants in California was $6.99, a 5 percent wage increase for all of 1995 and 1996."

Industry spokesmen say CEO salary and profit figures are taken wildly out of context by advocacy groups. "We



Source: Office of Statewide Health Planning and Development, Health Care Finance Administration, California Advocates for Nursing Home Reform.

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live in a capitalistic society," says Gary Macomber, a longtime, high-level state health and prison administrator who is now executive vice president of the California Association of Health Facilities, which represents the state's nursing homes.

Industry and elder-care advocacy groups agree on some things: "We need more staff," says Macomber. "We need to pay them better, we need to provide incentives for training programs, and we need to acknowledge that [current enforcement] just doesn't work."

Elder care activists say fines must be stiffer (the maximum is $25,000), and, perhaps more important, the appeal process tightened. "At least let's create meaningful fines," says McGinnis. "My God, you can leave someone naked and tied to a wheelchair and you get a $500 fine. There are higher fines imposed for killing a dog in California."

Sigrid Bathen is senior editor of the California Journal. *She can be reached at sigridb@statenet.com*

Finding quality care

The search for a care facility for a senior family member can be traumatic. Here are a few essential tools.

By Melissa Mikesell

Making a decision about long-term care can either be a source of endless trauma or lead to a choice well-made. There are legitimate concerns about selecting an elder-care facility that you know next to nothing about, but plenty of resources are available. Here are some suggestions from health care experts on where to start when looking for information:

The Department of Social Services Community Care Licensing Division, *www.dss.cahwnet.gov,* offers regional information on complaints about a particular facility. The web page can direct you to your local Community Care Licensing district office, where inspection files are available for review.

California Advocates for Nursing Home Reform, *www.canhr.org,* offers listings of facilities by county, citations filed against each facility and tips for choosing a nursing home. The web page walks you through a process that includes choosing the type of facility that fits your budget, and tells which facilities accept Medicare and Medi-Cal, and which don't. CANHR can put you in touch with other people who have family members in that location. Its toll-free number is (800) 474-1116.

The Partnership for Long-Term Care through the **California Department of Health Services** offers discounted policies with quality health care providers in California. For counseling on how to plan and pay for long-term care, go to the web page at *www.dhs.ca.gov* or call (800) 434-0222. The Department of Health Services is in charge of licensing and certification for in-home health aides and nursing homes. For a list of facilities in your region, including citations and deficiencies, call (916) 327-7015. There is a 10-cents-per-page charge for photocopying.

California Association of Homes & Services for the Aging is an association of not-for-profit nursing homes, *www.aging.org.* They have a database searchable by city, county or area code.

At **California Association of Health Facilities,** *www.cahf.org* you can search for any of their 1,460 licensed long-term care facilities in California. This page does not contain analysis of the quality of care. You can also call CAHF at (916) 441-6400.

The **California Department of Aging,** *www.aging.state.ca.us,* offers links to community service organizations, such as those that provide legal information, senior services, and companion programs. Agencies on Aging can also put you in touch with your local Ombudsman who can tell you about good facilities in the area, make a complaint about a facility on your behalf or help resolve a complaint you have filed. You can call toll-free for an agency in your area at (800)510-2020.

The Family Caregiver Alliance, *www.caregiver.org,* offers an online support group and a newsletter that can help keep you up-to-date on Medicare changes and tax credits.

The House of Justice, *www.comquest.com/bet-tzedek,* offers legal resources for the elderly. This page offers links to legislation in California that impacts the elderly.

Some other sites (with limitations noted):

- *www.carescope.org.* This web page provides a certain amount of free information, but if you really want the nitty-gritty, you'll have to pay, and what you get may be limited since the listing is incomplete.
- *www.careguide.net.* This is a listing of state-licensed facilities — and many of the facilities pay to be listed here.
- *www.lifestyles.com.* This page lists only care-givers who pay to be listed and offers no comments on the condition of the facility.

Melissa Mikesell is a California Journal *research assistant. She can be reached at melissam@statenet.com.*

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SOURCE: UCLA Center for Health Policy Research and the Women's Health Collaborative

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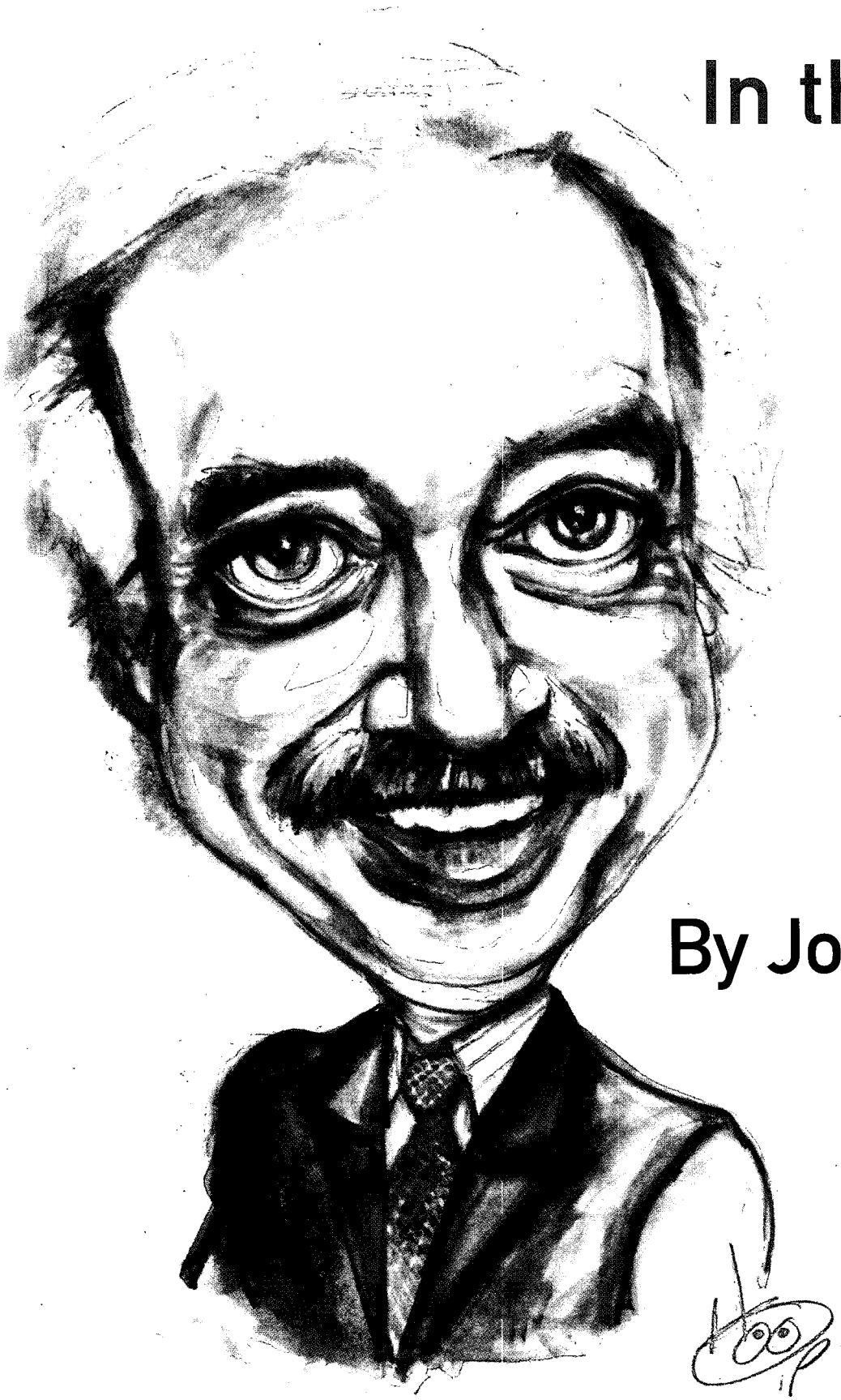
Burton

In the rough world of it's rare lasting betweer



By John Jacobs

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and Boxer:

and tumble politics, to find a bond players.

It was late 1973 and Assemblyman John Burton of San Francisco was driving across the Golden Gate Bridge to give a talk at the College of Marin. He knew that William Mailliard, the long-time congressman who then represented San Francisco and Marin, had a tough new district with a lot more Democrats in it, courtesy of John's elder brother Phillip, the legendary reapportionment whiz and political boss of California Democrats. Rather than run for re-election, Mailliard would soon accept an appointment from President Richard Nixon as ambassador to the Organization of American States.

Burton was interested in Mailliard's congressional seat, which explained his appearance that night. He had deep roots in San Francisco but virtually none across the Golden

Illustrations by Sandra Hoover

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Gate. A former chairman of the Assembly Rules Committee and the state Democratic Party, Burton also knew that Democrat Roger Boas, who ran against Mailliard two years before, might again be interested and have a prior claim. He wanted to head off Boas and other Democrats take 50 percent of the vote, win without a runoff and join his brother in Congress.

As he spoke that night, a small, energetic young woman wearing a brown suit, with a brown hat and a ribbon, was visibly moved, especially by Burton's anti-Vietnam War rhetoric and liberal politics. "He was talking to me. We had the same priorities," Barbara Boxer recently recalled in an interview.

A 34-year-old suburban housewife with two small children, Boxer had run the year before for the Marin County Board of Supervisors and lost in the same election that saw Democrat George McGovern, the anti-war candidate, lose 49 states to Nixon. After he finished speaking, Boxer went up to Burton and offered to volunteer a day or two a week to help him. She had a part-time job at the *Pacific Sun*, a weekly alternative newspaper in Marin, and seemed to know everyone. Burton quickly accepted her offer.

The rest, as they say, is history.

Burton the mentor

Twenty-six years later, Burton is the president pro tem of the state Senate, the second-most powerful elected official in California after Governor Gray Davis. And Boxer, his one-time protege, was just elected to a second six-year term in the U.S. Senate, defeating Republican Matt Fong by 10 points, the largest victory margin in a Senate race in California since Alan Cranston crushed Paul Gann in 1980.

As much as anything, politics is about personal relationships. The relationship that began that night long ago still endures.

After her family, John Burton is the first person Barbara Boxer thanks for her political success. Indeed, Burton is family.

"I knew about her," Burton recalled in an interview in his Senate office. "She had run against a friend of mine for the board of supervisors the year before. She came up to me that night and said, 'I want to help.' . . And she kept bringing people over. In 20 minutes, she put together my Marin operation. She was just a woman who came up to me going a mile a minute. I thought she had two thyroids."

Boxer quickly put an event together designed to scare off all the competition, including Boas. It worked, and Burton was grateful. Soon, Boxer was his full-time Marin campaign person, earning $500 a month. Both had passionate and sometimes conflicting ideas about what constituted sound political strategy. Their first of many screaming matches came when Burton wanted to send potholders to Marin voters, as he had to San Francisco voters.

"They always interacted like brother and siste
— consultar

"I said, 'Don't use potholders. The women here are looking beyond the kitchen and you're giving them potholders?'" Boxer recalled.

"He got mad. But in Marin, we handed out growth sticks," small fertilizer sticks that can be placed in flower beds. "He thought I was a nut case, but he listened, and he got 55 votes over 50 percent, enough to win outright. It's the growth sticks that won for him. He still thinks it was the potholders."

Burton flames out

Actually, said Burton, who forgets nothing, it was 67 votes. "It was typical *chi chi* Marin County," he said. "They felt potholders would be offensive."

And that's why he won? "It was my hard work and charm and the impeachment of Richard Nixon. It was Barbara, to tell the truth."

Boxer became Burton's Marin County district manager and helped him write legislation getting federal money for law enforcement who police the Golden Gate National Recreation Area in west Marin. But after two years working for him, she wanted her own political career. She ran again, this time successfully, for the county board of supervisors and left Burton's payroll. While Boxer worked on county issues over the next five years, Burton was becoming increasingly addicted to cocaine and hating his life in Washington. It was never "my town," he said much later.

In 1981, meanwhile, brother Phillip drew a new district for John so outrageously distorted by the need to protect him that it drew howls of protest and derision as it curled around the Bay Area, taking in parts of four counties. Critics said it was contiguous only at "low tide." Phillip called it his "contribution to modern art." But no matter. John was so sick from drug abuse that he could barely stand, let alone run, for re-election.

Recognizing at last that his brother could no longer serve, Phillip Burton tried first to recruit San Francisco Democrat Nancy Pelosi to run for John's seat. But she had small children and wasn't ready. Then he tried Art Agnos, who had taken John's Assembly seat. Same answer.

As Boxer recalls, John called her from Arizona, where he was drying out at a rehab center and said, "I've got to

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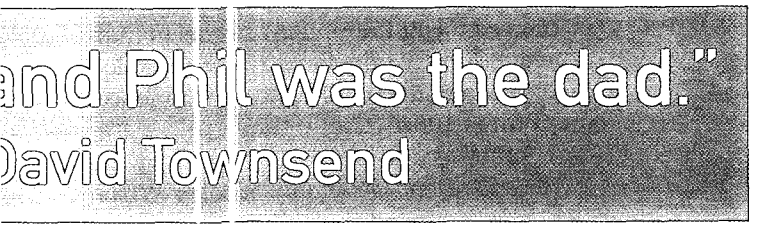
quit. I'm addicted to everything. You have 10 days to decide if you want to run." If she did, he'd back her. "What made me different," Boxer said, "was I was his person. I didn't know Phil. I was there because I knew John. That was very important."



It's Boxer's turn

Boxer thought it was two years too soon to run, but this was the chance, and after talking it over with her family, she took it. Then-Mayor Dianne Feinstein backed Louise Renne, her appointee to the San Francisco Board of Supervisors. "I thought it was more her idea," Burton said of Boxer's decision, "because I recall saying to her, 'Why the f--- would you want to do that?' " Boxer hired Clint Reilly to get her through the primary, which she won, then hired consultant David Townsend to help her win the general.

"They always interacted like brother and sister, and Phil was the dad," Townsend said of the Boxer-Burton relationship. "It was hard to tell at any given time who was the older sibling. It would change. But it didn't matter who was where. They always seem to look out for each other."

Five months later, Phillip Burton was dead. His widow Sala succeeded him.

Four years after that, Sala was diagnosed with cancer. From her death bed in Washington, Sala, John and other close family associates pronounced Nancy Pelosi the one they wanted to succeed the Burtons after 23 years in that seat. John chaired Pelosi's campaign to succeed Sala, which she won in a hard-fought battle with San Francisco Supervisor Harry Britt in 1987.

Free of drugs, John was now back in politics, enjoying himself again. His best friend, Assembly Speaker Willie Brown, meanwhile, was having his problems in Sacramento with a Democratic "Gang of Five" that thought it could topple him. They spent a year going after him but came up short of the votes.

When Agnos was elected mayor of San Francisco later that year, succeeding Feinstein, John ran for his old Assembly seat and arrived back in Sacramento, six years after he had "retired" from Congress, in part to help his friend keep the speakership. When he was termed out of the Assembly in 1996, Burton ran for and won the Senate seat held by former adversary Milton Marks. A year later, in an astonishing political resurrection, he replaced Bill Lockyer as Senate leader.

It's 'up or out'

Boxer, meanwhile, was gaining seniority in the House

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but decided that, after 10 years, it would be "up or out." She declared her candidacy for the U.S. Senate and ran against two men, U.S. Representative Mel Levine and Lieutenant Governor Leo McCarthy. John Burton became her campaign chairman and most vociferous fan. She won the primary and went on to defeat Republican Bruce Herschensohn in the fall, part of the "Thelma and Louise" team of Boxer and Feinstein, who also was elected to the Senate that year.

Heading into 1998, Boxer, who remained a feisty liberal, looked like the most vulnerable Democrat in the U.S. Senate. Few thought she'd win a second term, let alone win so handily. John Burton, the only person outside her parents to ever call her "Babs," chaired her campaign again and gave her an issue.

"John called me and said, 'You're doing great with women, not so well with men. Think about prostate cancer. As many men die of prostate cancer as women from breast cancer. But men won't talk about it the way women with breast cancer do. Hold a town hall meeting and talk about it. I'll come.'"

Boxer held four of them. "That was one of his great ideas, and it has resulted in legislation."

It wasn't why she won, but it revealed how the two longtime friends help each other out. "John Burton's big influence on me is be true to who you are," said Boxer. "He said, 'Barbara, remember one thing when you cast a vote. The next morning when you look in the mirror while you're shaving' — thanks, John — 'you gotta feel good in your gut. If you feel good in your head but not in your gut, that's not good enough.'

"He has been my teacher on these things. John is one of the smartest people I know, and he always tries to cover it up. We have fights. If he thinks I'm doing the wrong thing, he'll scream. I learned to scream back. People were intimidated. He's so smart, he's 30 seconds ahead of you. That's hard if you work for him. You gotta say, 'Slow down. I lost you two minutes ago.' And he also taught me that you can come back from the depths of despair."

For his part, Burton said people have always underestimated Boxer, seen her as "shrill," instead of as "passionate." There isn't all that much to learn in politics, he said. "But what her odyssey has shown is that if you believe in yourself, other people will believe in you. It's an amazing thing, two terms in the U.S. Senate. I once told her to stay out of San Francisco politics because she was just this f------ suburban housewife. But she's single-purposed. No one can argue her out of something she decides."

John Jacobs is political columnist for The Sacramento Bee *and author of "A Rage for Justice: The Passion and Politics of Phillip Burton," University of California Press, which was awarded the 1996 D.B. Hardeman Prize by the Lyndon Baines Johnson Foundation as the outstanding book on Congress that year. Comments on this article may be e-mailed to editor@statenet.com.*

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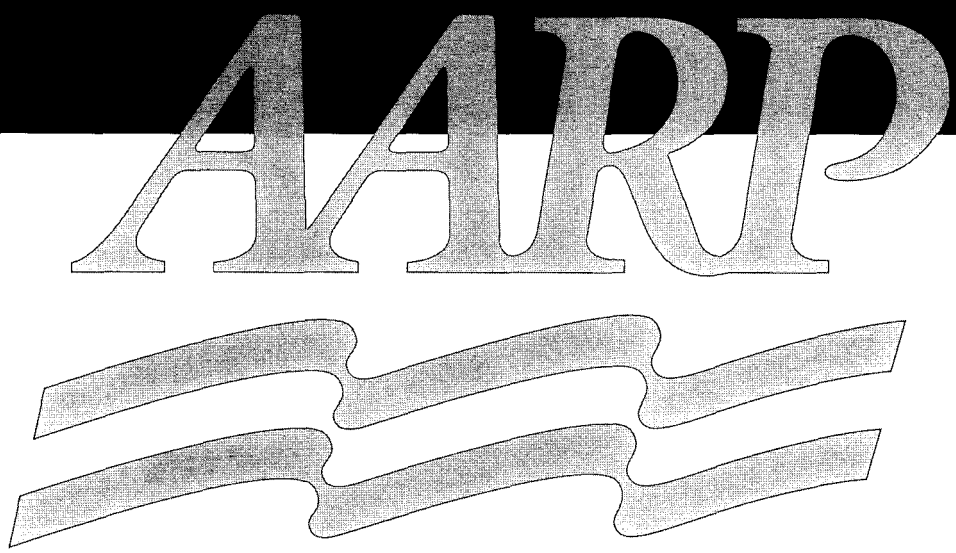

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Politicians can discuss reform until they are blue in the face. But if California cannot attract enough qualified teachers, all the huffing and puffing will be for naught.

By Cheryl Miller and Greg Winter

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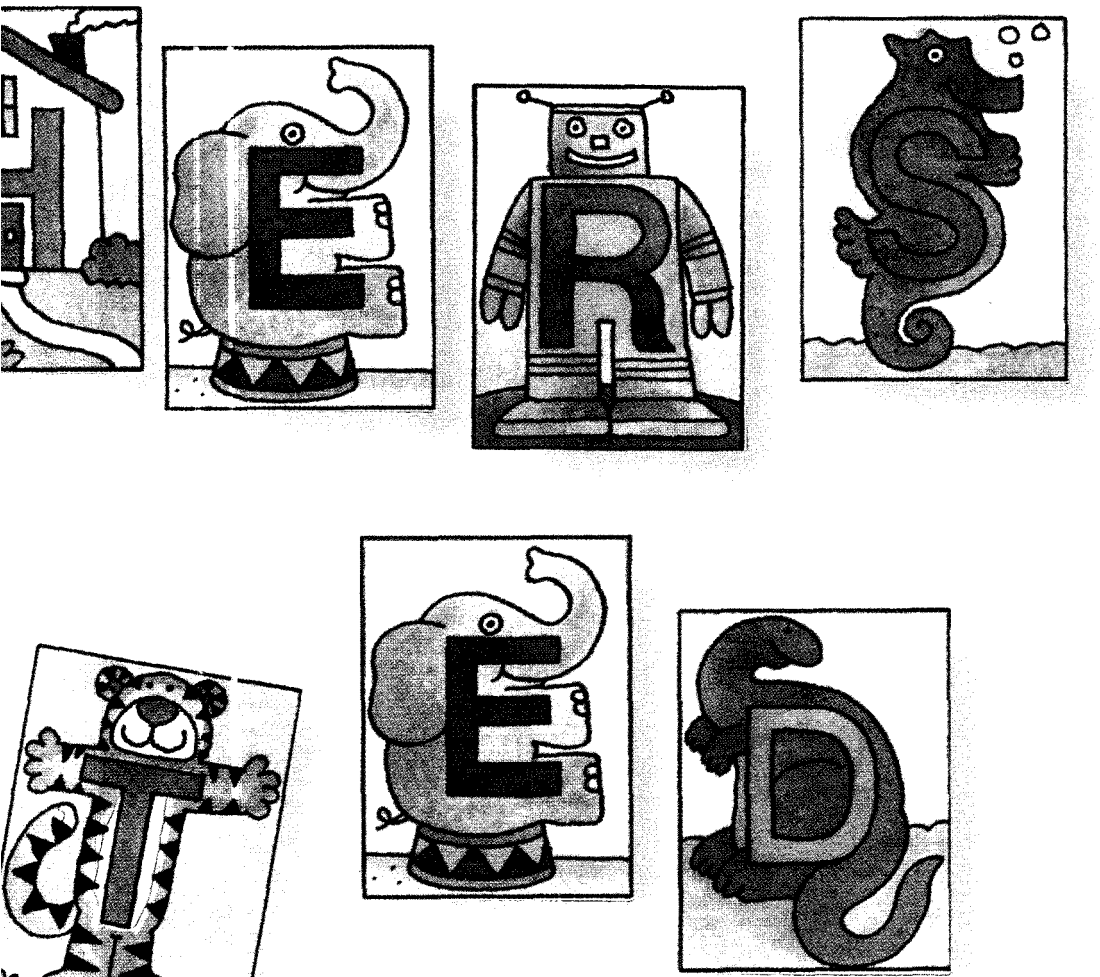

Alphabet illustrated by Ben Mahan.
Courtesy of High Q ™.

Along with crowd-pleasing proposals for graduate exit exams, high-octane reading programs and incentives for lagging schools, Governor Gray Davis' $444 million education package offers something far more basic: A component to attract and retain well-qualified teachers in California.

Davis' budget funds a peer review and mentor teacher program, $10,000 merit awards for teachers who earn rigorous national certification — and a 15-month credentialing and master's degree program through the University of California.

It's a plan well-grounded in both policy and politics. Since class-size reduction was introduced in 1996, California schools have relied upon tens of thousands of under-qualified teachers to fill classrooms.

Educators, including Gary Hart, Davis' education secretary, have warned that such dependence undermines efforts to raise academic standards. Teachers' unions, which poured millions of dollars into Davis' campaign, have also clamored for assurances that schools hire only fully credentialed teachers.

But for all the attention Davis focused on the problem of under-qualified teachers in the first weeks of his administration, the question remains: Will his efforts be enough? Teacher shortages are chronic in California, where uncredentialed teachers are embedded in the very fabric of most urban school districts. And while many education groups laud Davis' proposals, some educators say it will take a more

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comprehensive and costly overhaul of the way teachers are recruited and trained to ensure that every public school student in the state has a qualified teacher.

A reality check

Anyone who thinks the problem will be solved quickly or easily should talk to Rene Carranza.

Each weekday, the principal of Grant Elementary School welcomes 836 kindergarten through sixth-graders to an aging campus in a poor, working-class neighborhood in the East Bay Area city of Richmond. And each day, more than one-third of those students walk into classrooms led by teachers who don't have the full credentials the state says they should have.

It's not that Carranza doesn't appreciate these so-called emergency teachers. They're energetic and eager to teach students, many of whom come from impoverished families where English is a second language. The problem, Carranza said, is that so many of these teachers are students of sorts themselves.

"Emergency teachers make a much tougher job," he said. "In essence, I have to teach them much of what they need to know. They're much needier professionals ... They have no framework in which to analyze what's going on in the classroom."

The situation at Grant is hardly an isolated one. Across the state, more than two-thirds of districts have turned to emergency teachers to fill classrooms. A booming school-age population, a high teacher turnover rate and class-size reduction have created a shortage of qualified K-12 instructors in California.

As a result, aides, substitutes, private sector professionals and others with wildly varying backgrounds are being ushered into full-time jobs as teachers, often with little or no formal training. Last year, the California Commission on Teacher Credentialing issued a record 33,994 emergency permits and waivers to teachers who would otherwise not be allowed to teach a particular subject — or a classroom of students.

Severe shortages

The trend is a dangerous one, ex-

The latest source for California teachers? The Philippines.

By Greg Winter

In a state where school districts must scour the country, scrambling for certified teachers willing to come out West, Wilson Riles found a new way to round up qualified teachers for California's classrooms: He started recruiting in the Philippines.

This year, the former state superintendent's firm enlisted a group of eight Filipino teachers to work in Sacramento schools, enticing them with the allure of a three-year visa. And, while this initial undertaking will scarcely put a dent in the state's need for teachers, Riles is looking to expand, confident that countries like the Philippines offer untapped reserves of qualified teachers.

"We're hoping to do it all over California. . . and not just Sacramento," said Phillip Riles, the former superintendent's son and business partner in Wilson Riles & Associates, an education recruiting firm. "We're looking at Russia, too. We've made some contacts there. As we understand it, there are some good teachers there."

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perts say, particularly in a state where politicians are consumed by talk of raising test scores. No one would argue that a credential guarantees a good teacher, but substantial evidence suggests that the most important thing a school can do to improve student success is provide a well-qualified teacher in each class.

"As long as emergency teachers occupy California classrooms, the rhetoric of strengthening academic standards will remain hollow and hypocritical," Hart said in a 1996 report issued by the Institute for Education Reform. A former high school teacher, state senator and most recently co-president of the institute, Hart says he stands by that statement today.

The use of emergency credentials in California is nothing new; a statewide teacher shortage has existed to one degree or another for decades. Until the mid-1990s, the percentage of teachers serving on emergency permits and waivers remained consistent with the national average, peaking at 8 percent. With the introduction of class size reduction in 1996, however, the need for teachers in California's schools skyrocketed. Within two years, more than 28,000 new teachers were hired to lower student-to-teacher ratios in grades K-3, according to the California Department of Education.

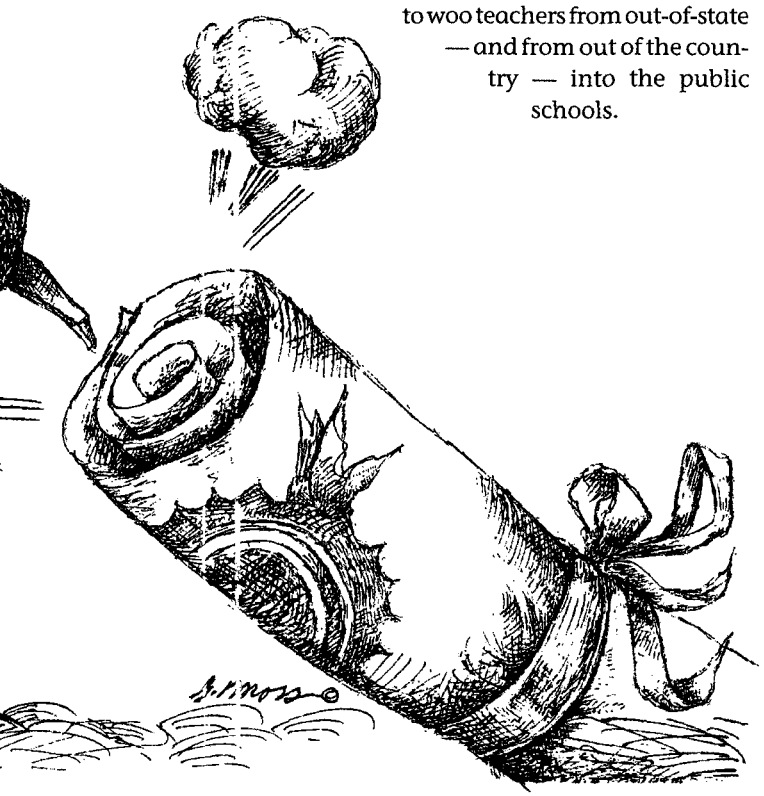
In the first year of class size reduction alone, the CTC issued 55 percent more emergency permits and waivers, breaking the 30,000 total for the first time. By the end of 1998, roughly 13 percent of California's teachers served on emergency credentials.

Revolving doors

"Class-size reduction created an artificial gap between the teachers we have and the number we need," said Jim Zarillo, dean of California State University Hayward's school of education. "Now, it's going to be hard to close it."

Statistics support that claim. Between 35 percent and 40 percent of emergency teachers leave the profession after their first year, according to the Commission on Teacher Credentialing. After three years, up to 60 percent of them will quit teaching, requiring a constant stream of new teachers to replace them.

Since 1996, when schools began reducing class sizes in grades K-3 California's teacher shortage has grown to unprecedented levels. Despite the efforts of more than 80 colleges and universities throughout the state, which graduate roughly 15,000 newly certified teachers each year, California is short nearly 34,000 credentialed teachers. As a result, districts, non-profit groups, and consultants are relying on innovative recruitment techniques to woo teachers from out-of-state — and from out of the country — into the public schools.



Just as Silicon Valley capitalizes on immigration loopholes to import tech-savvy programmers from around the world, California's school districts are declaring a scarcity of teaching professionals. In response, the Immigration and Naturalization Service has issued an array of temporary visas, most of which can be renewed for up to six years, to thousands of teachers from other countries.

From Spain too

The majority of these international teachers come from Spain. In the past twelve years, roughly 1,000 Spanish teachers, fully credentialed, have come to districts up and down the state — much to the delight of participating schools. To begin with, their bi-lingual skills make them invaluable in a school system where Hispanic students comprise the largest ethnic group, according to the California Department of Education's 1998 figures. But, beyond that, these Spanish teachers are trained to teach math and science — subjects in which the teacher shortage is most pronounced.

"They're well-educated," said Harvey Hunt, who screened candidates from Spain for the CDE in the early 1990s. "Some of them are real scholars."

Schools need these teachers so badly, in fact, that representatives from 20 districts traveled to Spain last year to interview them. While the eager recruiters came from all over the state, they mostly represented poor, urban school districts, such as West Contra Costa and Compton.

These districts suffer from the teacher shortage the most. Not only is it tough to find certified teachers willing to venture into their inner-city schools, it is also hard to hold onto them once they get there.

"People here, they accumulate a few years of experience and then they figure 'I've paid my dues. I'm out of

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"The revolving door of emergency teachers is enormous," said Mike McKibbin of the commission.

To make matters worse, California is already under pressure to put thousands of new teachers into classrooms each year. By conservative estimates, the state needs at least 21,640 new instructors annually — just to keep pace with a rapidly expanding student body and to replenish one of the oldest teaching populations in America.

On paper, California's patchwork approach to credentialing should be able to meet such a prodigious demand. Every year, university training programs, internships and opportunities for out-of-state teachers churn out roughly 23,000 newly certified teachers ready to engage California's schoolchildren.

But, in reality, the teaching profession leaks like a sieve, hemorrhaging thousands of both veteran and rookie teachers each year.

According to the California Teachers Association, half of all new teachers leave teaching within their first three years. Out-of-state teachers fair only slightly better, abandoning California's schools at a rate of 45 percent, mostly within the first few years.

A bottomless hole

"It's like trying to fill a bucket with a hole in the bottom," said Paul Shaker, dean of California State University at Fresno's school of education, which produces nearly 600 new teachers a year.

Given the high attrition rate, some studies predict that California will only lose ground in the coming years. Six months ago, the Santa Cruz-based Center for the Future of Teaching and Learning projected that the shortage of credentialed teachers will grow by 21,000 in the next seven years. If Davis can't find a way to curb this shortage, the use of emergency teachers will persist and perhaps even expand.

"If something doesn't change, we could be relying on them for quite some time," said Hart.

This worries some education experts, who point out that California already has the third-smallest percentage of fully certified teachers in the country. That may not have been a problem decades ago when education was a sink-or-swim proposition, when students who excelled were geared toward college and those who fell behind could still find a well-paying job here.' For some, they can't run fast enough.'" said Rene Carranza, a principal who relies on teachers from Spain to keep classes at his Richmond elementary school staffed.

In Marin, a surplus...

Not all districts actively recruit teachers from outside the country. In fact, some districts have to do very little recruiting, either at home or abroad, and still have enough qualified teachers to meet their needs. The Marin County Office of Education, for example, reports that for every teaching position that opens in its 19 school districts, 300 qualified teachers apply. And, when districts in the area hold a job fair, interested teachers show up from nearly a dozen states, as well as from other countries like Canada and England.

Wilson Riles

"Applications just come in the mail. Hundreds of them," said John Casey, of the Tamalpais Union High School District in Marin. "...We have to turn away fully credentialed teachers."

Teachers say the reason for this is simple: Marin's school districts are desirable places to live and work. After training as a teacher in Ireland, Elizabeth O'Sullivan and her husband drove 18-wheelers across the 48 states. Hauling everything from tin cans to computers, she got a close look at the country's cities, town and suburbs. So, by the time she decided to get back into teaching, she knew Marin was exactly where she wanted to be.

"The location was the most important thing." she said. "I picked a good place to live first, and then looked for work afterwards. I don't think I'd teach anywhere else in California. I can't imagine it gets better than this."

...not so in Coachella

A lot of other districts, however, don't have the benefit of desirable and scenic surroundings to attract their faculty. Recruiting teachers for their schools requires constant canvassing,tapping into states where qualified teachers are plentiful. Arlene Delgado of the Coachella Valley Unified School District, a remote, desert region with 15 schools, says her district looks for certified teachers throughout the southwest. But, the valley's lack of infrastructure — like housing and hospitals — keeps prospective teachers away.

Phillip Riles

"None of those things are available out here," she said. "Some of our schools are so isolated, we even have a hard time getting them substitute teachers."

Experts say that the situation facing districts like Coachella Unified cannot be remedied solely by importing teachers from elsewhere. California's teacher shortage is just too large to be wiped out by an influx of foreign and out-of-state teachers.

"That's going to have to come from our colleges and universities," said Riles.

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out of school.

But in California's high-tech economy, low-skilled jobs that pay well are scarce. Schools are expected to ensure that every child excels, which means teachers must be able to handle not only a lesson plan but also the learning disabilities, social problems and language barriers that so many of California's students bring to classrooms today.

Too many emergency teachers aren't trained to tackle those issues, said state schools Superintendent Delaine Eastin said. "The shortcomings of these teachers end up shortchanging the students."

Teachers first

Studies reinforce that contention. Linda Darling-Hammond, a professor at Stanford University who many regard as a leading expert in the field of teacher training, found that the quality of a teacher is second only to a student's home and family life in affecting his or her academic achievement.

"The strongest predictor of student performance (at the school level) is the proportion of well-qualified teachers," Darling-Hammond said. "... Kids are entitled to have teachers who know what they're doing, not just by luck, not just by happenstance, but by civil right."

Californians seem to agree with that sentiment. A recent survey by Recruiting New Teachers, a Massachusetts firm, revealed that residents ranked high teacher quality second only to violence-free campuses as the most important factor in improving schools. Still, there are those who insist that what a teacher does in the classroom is far more important than the type of credential he or she holds.

Gloria Tejeda is one of them. The principal of Burbank Elementary School in Hayward oversees 34 classroom teachers, including 14 who have emergency or trainee permits. Tejeda actively recruits substitute teachers and other college graduates who she believes have what it takes to "do what's right for kids" and teach full time.

"Many times I've felt I'd rather deal with that than with someone who's set and established in their patterns," she said. "... A credential doesn't guarantee success in the classroom."

But Darling-Hammond and others believe that many of even the best emergency teachers will grow frustrated in their first year or two — trying times for any instructor — because they just don't have the theory, practice or support they need.

Raising salaries

"The sad truth is that the eager, bright-eyed young teachers who come in and learn how to teach through trial and error leave the profession in extremely high numbers," Darling-Hammond said. "It's an absolute recipe for burnout."

As experts debate the impact of emergency credentials, they do agree on one thing: permits and waivers hit some districts harder than others.

With few exceptions, urban school districts — particularly those with a high percentage of poor students of color — rely more heavily on permits and waivers than their suburban counterparts. In many of these districts, emergency teachers lead more than 20 percent of all classes.

The same is also true for some rural districts, especially in agricultural areas with large, Latino populations.

These districts are often the worst place to put emergency teachers, experts say, because they present some of the most difficult teaching conditions. Their students traditionally post low test scores, and many of them speak limited English. Concentrating under-prepared teachers in these challenging environments virtually ensures that their students will continue to do poorly, experts say.

"It's the kids with the greatest needs who get the teachers with the least training," said Bob Sally of the Commission on Teacher Credentialing. "The expectation of student performance is doomed to failure."

"We have kids at the door," said Mike Acosta, the employment operations administrator for Los Angeles Unified School District, which employs 6,500 teachers on permits and waivers. "What are we going to do? We can't close the door and say, 'Sorry, we don't have enough credentialed teachers. You can't come in.'"

It is because of the continuing influx of students that California's attempts to curb its dependence on emergency teachers have been, at best, piecemeal. A comprehensive solution to the problem, many say, will have to focus on teacher pay.

The Recruiting New Teachers survey found that a majority of Americans would consider teaching if the job paid $60,000 a year or more. That's a far cry from the average beginning teacher's salary, which usually runs below $30,000.

"If we treated teachers the way we treat quarterbacks, there would be a long line of people waiting to get into the profession," said Eastin. "It should not have to be an oath of poverty."

Greg Winter and Cheryl Miller are graduate students at the UC Berkeley School of Journalism. Comments on this story may be e-mailed to editor@statenet.com.

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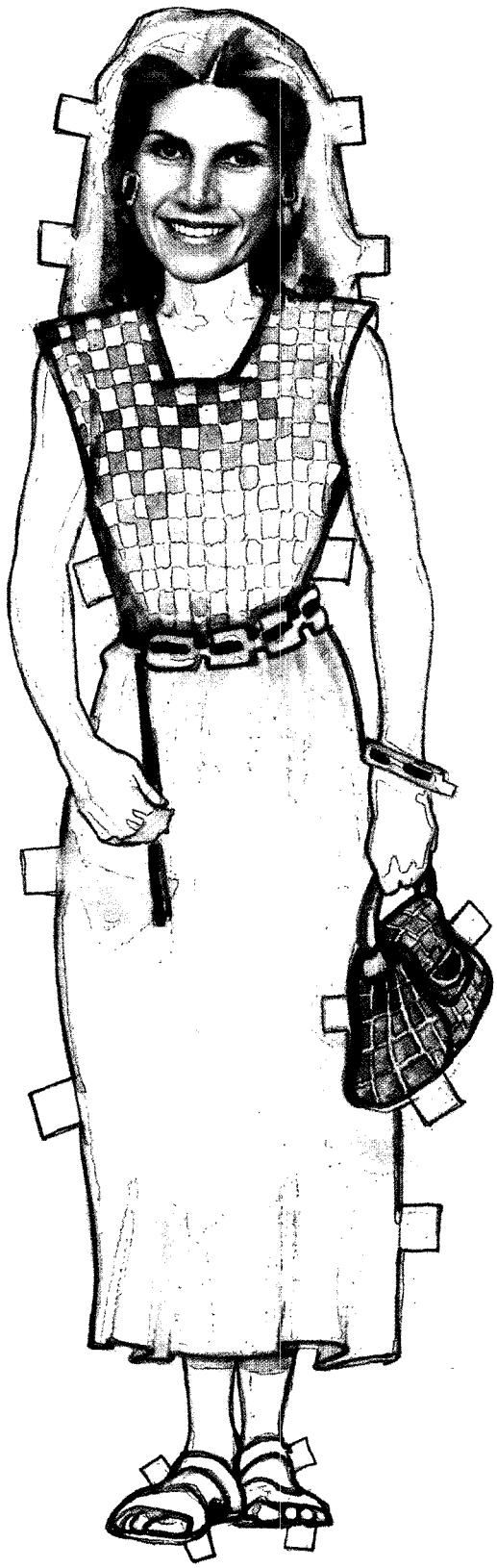
The New Mary

Gone are the golden tresses and that sun-kissed resort look. Sonny Bono's widow is donning a make-over that reaches beyond new cosmetics and hairdo. It says she's serious about her role as congresswoman. And why not? If Sonny could do it, so could she.

By Dana Wilkie



Illustrations by Sandra Hoover

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Bono

It is the week before Christmas, and Maria Shriver has just appeared in the reporter-choked lobby a few steps from the House floor, where luminaries such as Newt Gingrich and Joe Kennedy argue the merits and demerits of impeaching the first president in 130 years.

But it is not the House speaker nor the Massachusetts Democrat whom Shriver and her team of NBC leg men are trying to track down. It's a lean woman in a black wool pantsuit who has walked these Capitol halls fewer than nine months.

It says something about Mary Bono that a *Washington Post* reporter hovers by her side at the noon hour, anxious to get the congresswoman alone for an interview. And that another reporter must use the ploy of pregnancy — I need to take a load off, can we sit on this bench a moment? — to win some of Bono's time. And that Shriver, the Arnold Schwarzenegger spouse who upstages news events simply by showing up to cover them, sifts through a roomful of political powerhouses to get Sonny Bono's widow on the air.

Just 13 days after the funeral of her celebrity-congressman husband, who skied into a Tahoe tree last January and died, Mary Bono said she would run for his Palm Springs seat. With that, the one-time cocktail waitress propelled herself from the world of behind-the-scenes political wife into one that seemed riveted by her every move. In the short time since voters elected her last April, the 37-year-old former restaurant manager has appeared in everything from *People* magazine to *Ladies Home Journal*, which have chronicled every detail from her haircuts to her crusade to salvage California's dying Salton Sea.

But with the avalanche of attention that comes her way because she was Mrs. Sonny Bono, there can also come the expectation that Bono demonstrate some talent worthy of the attention. No sooner did her election plant her under a spotlight when fate presented her the opportunity: Kenneth Starr delivered to Congress his report accusing President Bill Clinton of impeachable offenses.

Bono was one of the newest members of the House Judiciary Committee when it held hearings late last year on the report, which charged Clinton with perjury and obstruction of justice, among other things, while trying to hide his affair with former White House intern Monica Lewinsky. With barely enough time on the panel to learn committee etiquette, Bono was facing some of the sharpest lawyers and scholars in the country. Asking them questions. On national television. With only an art history

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degree to her name.

"The alarm clock goes off and you say, 'Oh, here we go again,' " Bono says of the days before the committee sent to the House floor four articles of impeachment against Clinton. "If I stopped to think about how intimidating it was, I probably wouldn't get out of bed in the morning."

This is the sort of unpretentiousness that makes up for a host of Bono's political deficiencies. Humility, for instance, served her well during one particularly grueling impeachment hearing. As one of the committee's most junior members, Bono usually was the last to examine witnesses. On the day Starr testified, it was 10 tedious hours before Bono got to ask her first question — after three dozen other committee members queried Starr about perjury, obstruction of justice and investigative tactics.

"You and your family have been subjected to an enormous amount of personal persecution," began the congresswoman, injecting into the day-long hearing perhaps the first reference to Starr's personal life. "What motivates you to keep going forward? You know, do you have this bone to pick with the president, or this personal vendetta? Do you hold personal animosity toward him, and has that affected the job you've done?"

And so it was, courtesy of Bono's slow pitch, that America got a glimpse of the man behind the Starr Report. He talked about missing his family, his longing to return to private life, and the fact that he'd considered moving to California and buying a home in Malibu. He also spoke with dismay about criticism aimed at the men and women who work for him.

"It was like a breath of fresh air for him," said Mike Gerhardt, a law professor at William and Mary College. "He seemed to almost sort of visibly relax in trying to answer that question."

When it was her turn a few days later to question Clinton lawyer Gregory Craig, whose mental agility might unsettle even the best of lawyers, Bono wisely avoided legal questions and instead asked the Clinton confidante whether he told his children not to lie. For one of the first times that day, the usually unflappable Craig seemed piqued that someone would suggest a contradiction between his client's behavior and what he wants to teach his own kids.

And Bono demonstrated flashes of intuition that may have pulled her Republican committee colleagues — all of them men — from the brink of political miscalculation. When Republicans considered having Lewinsky testify, for instance, Bono convinced them that if they questioned the young woman, they might wind up looking mean-spirited. It was the sort of streetwise approach that first made her husband seem a clown on the same committee, before he earned the grudging respect of some of its iciest members.

To be sure, there were moments during Bono's questioning when one felt embarrassed for her. The third time she posed a query by referring to her children, Bono began to sound like she had only one note to offer. She so frequently remarked on the difficulty of being the last on the committee to speak that it started to sound like an excuse for not having more to say. And once, after waiting hours for her turn to question a panel of Ivy League intellectuals, she passed altogether, turning her five minutes over to the drawling Mr.-Rogers-wannabe from South Carolina, Lindsey Graham.

"If I stopped to think about how intimidating it was, I probably wouldn't get out of bed in the morning."
— Mary Bono

"It was hard to come up with something new," said Bono, who has learned to speak in the halting, measured manner that politicians learn to use around note-taking reporters. "To wake up and realize we're going to have Gregory Craig before us, and I have to ask questions, it's been daunting."

The daughter of a Pasadena surgeon and a homemaker, Bono was a cocktail waitress when she met the man who had been the goofier half of the Sonny and Cher Comedy Hour. At 24, she became his fourth wife, had two children, managed his Italian restaurant and assumed the role of supportive partner when Palm Springs voters elected him mayor, then 44th District congressman.

Only recently have some of the details of that 12-year marriage dribbled out. Bono told *TV Guide*, for instance, that the marriage was strained by her husband's addiction to prescription drugs, and that she believed those drugs contributed to his skiing accident. Judging from recent interviews with Sonny Bono's mother, it appears wife and mother-in-law got along poorly. And one wonders what it was like being made the butt of sexist jokes: The aging congressman once grinned at a roomful of reporters and suggested that one of his wife's chief attractions was that she was, at the time, in her early 30s.

Whatever life was like with Sonny Bono, his widow clearly misses him. Even as she smilingly retells a story about her late husband, her face changes suddenly as her voice catches and her eyes fill. Lately, it seems she handles her loss by throwing herself at her new job, leaving her children — 10-year-old Chesare and 7-year-old Chianna — at their California home with a full-time nanny during the four-day stretches she must be in Washington D.C. This

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schedule was not lost on family-values conservatives who privately wondered if a woman whose children were nearly 3,000 miles away was a good GOP standard-bearer. Bono had looked forward to spending time with her family during the three-month break Congress typically takes at year's end. But impeachment complicated those plans.

"I have to tell you, it is difficult," she said during a break in the House impeachment debate, as she fingered three business cards from reporters and reached for the cell phone ringing from her Gucci handbag. "My daughter keeps asking if I've gotten her a Ferbie. She saw me on TV the other day and she said, 'Oh there's mom again,' then she pushed her Rugrat video into play. My children are tired of this and bored with it."

Tongues wagged even more when Bono started dating country music drummer Brian Prout less than a year after her husband's death. Recently, Bono learned from a friend in the restaurant industry that a tabloid reporter was in her hometown asking about her private life.

"This is a festival of cannibals," Bono said. "People are snooping in my district asking for dirt on me."

Apart from the impeachment hearings, Bono last year had one other God-given opportunity to distinguish herself when she took up her husband's crusade to transform the sweltering and smelly Salton Sea into the thriving body of water it once was. She got help from such media lures as Gingrich, the Georgia Republican who attracted attention by touring the sea in a helicopter, and Representative Jerry Lewis (R-Redlands), the dean of the California congressional delegation who graced the effort with his seniority and close political contacts.

When her plan to spend $350 million for the sea's restoration ran into roadblocks from lawmakers wary of spending that kind of money, it was Representative Duncan Hunter (R-El Cajon) and Lewis who did much of the behind-the-scenes negotiating, leaving the impression that Bono was largely a figurehead in the battle. Sometimes, her office was even unaware of the status of these backroom negotiations.

In the end, she got only $8 million to study the sea and to do some preliminary clean-up. Not a stellar finish for a plan that began with such momentum.

It is probably too soon to get a read on Bono's potential as a lawmaker. Except for the Salton Sea, she's had little opportunity to delve into the types of issues for which she has passion. On the Judiciary Committee, for instance, she hopes to eventually promote intellectual property rights, something her husband pursued with the input of his Hollywood friends.

In the middle of December's Judiciary Committee hearings, there was a sudden change in Bono's appearance. She cut her long blond hair and returned it to its natural brown. The effect was like going from Rene Russo to Annette Bening. She began wearing made-for-the-camera pastels under her neatly tailored suits, and the makeup around her green-blue eyes looked more professional, softening a face that had grown thin and drawn. Her committee style began to mature, too. On one of the inquiry's final days, Bono delivered a presentation that was, compared to her earlier, more rambling comments, very nearly sophisticated.

It was as if the former political wife needed to convince herself she was now the California congresswoman.

In all of the hurly-burly that characterizes Mary Bono's new life, one catches glimpses of Sonny Bono in his widow. There is the tendency, for instance, to point out her political naiveté. And like her late husband, it is never clear if she does so out of an overdeveloped sense of modesty, or in a calculated attempt to disarm.

It is striking how often Bono reaches back to her husband when the press grows unflattering, or political heavy hitters make her feel like a lightweight. She remembers how Sonny Bono handled those who ridiculed his hick-like voice, his small stature, his goofy persona, and his sometimes uneducated approach to lawmaking.

"I have to look back to Sonny," she says. "He's a great model for never being intimidated and believing in himself and letting the chips fall where they may."

Dana Wilkie is the Washington correspondent for the San Diego Union Tribune *and a* California Journal *contributing editor. Comments may be e-mailed to editor@statenet.com.*

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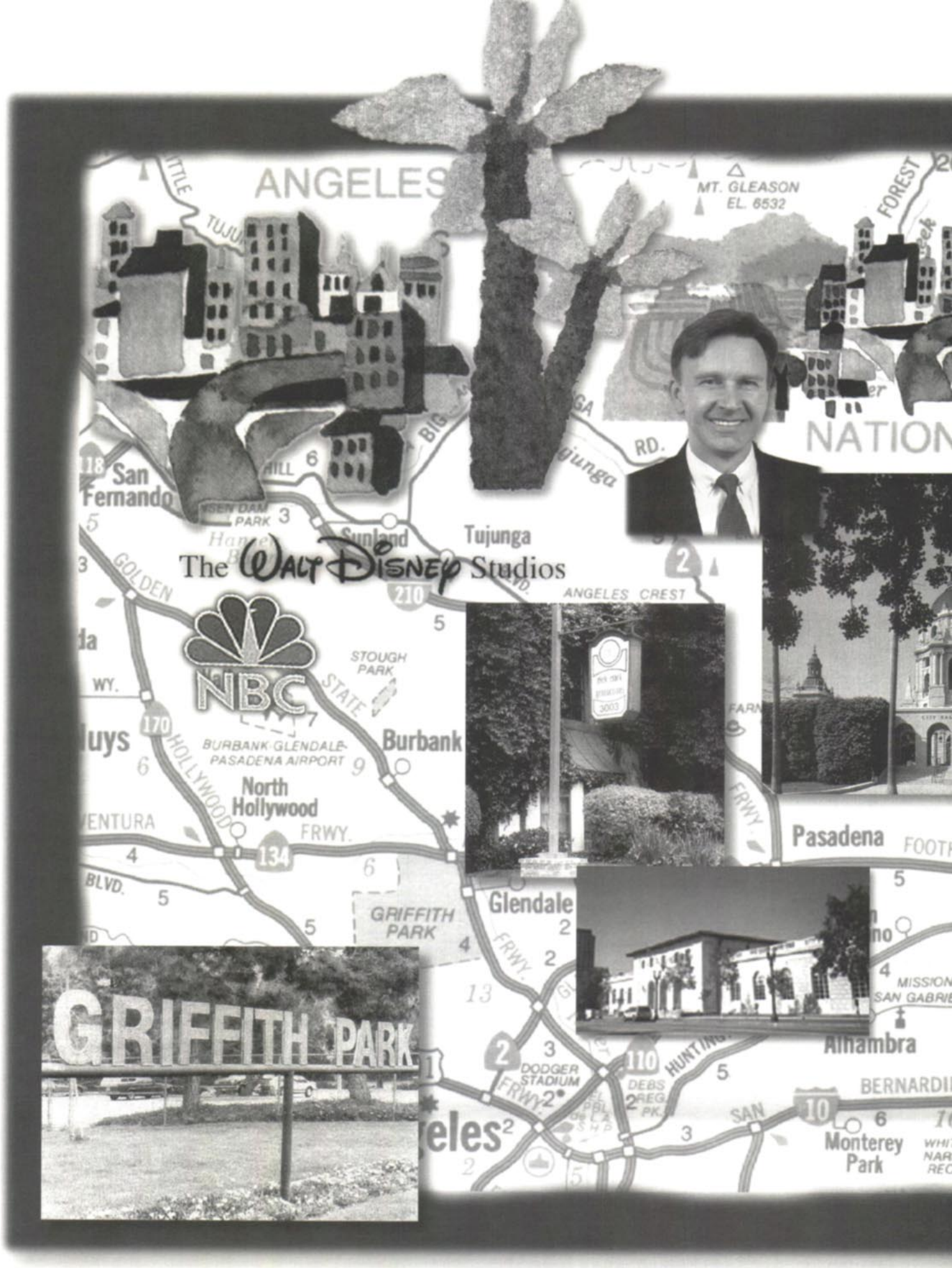

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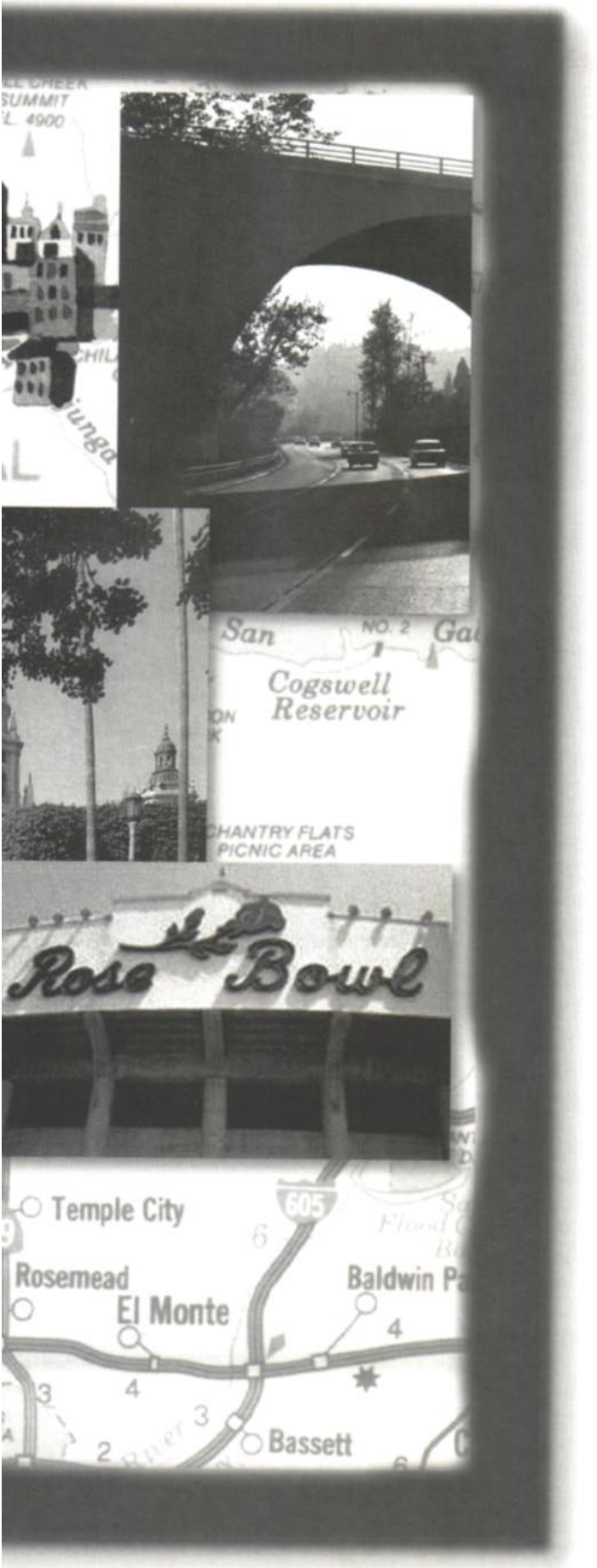

Back home, Rogan gets judged

When Republican James Rogan was a rookie California assemblyman winning accolades for his ability to bridge partisan gaps, (see CJ, February 1996) he wanted nothing more than to make it to Congress. But "Mr. Manager Goes to Washington" could hardly have been what he had in mind. Publicly, Rogan insists he has no regrets. Yet the bitter script he's been handed in Washington has not played well back home, leaving many of Rogan's constituents in Southern California trying to read meaning into his actions.

By Scott Memmer

Has James Rogan shot himself in the foot? While securing his place in history, has the sophomore congressman from the 27th Congressional District made short work of his political career? Has his position as a House manager done irreparable damage to his chances for re-election? This was the talk on the streets of Burbank, Glendale, and Pasadena as Rogan pursued his role in the

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impeachment trial of President Bill Clinton.

Already Democrats in Rogan's home turf are sharpening their political axes and preparing to regain the district in 2000, using Rogan's role as a House manager to pry him from his seat.

"It's very clear that Rogan was in the forefront of the prosecutorial effort," said Barry Gordon, his opponent in the last election. "He's lost his bipartisan veneer."

Gordon, who plans soon to announce whether he'll run again, added, "Rogan is simply not aligned with the district. During the last election, he was still able to paint himself as bipartisan. No longer."

The 27th Congressional District, with portions of Burbank, Glendale and Pasadena, bridges the gap between the western San Fernando Valley and the eastern San Gabriel Valley. It remains one of the most hotly contested congressional seats in Los Angeles County, if not the entire state. Surrounded by rolling foothills to the east and south, guarded by the San Gabriel Mountains to the north, the district presents a slippery slope to any politician attempting to stride its many complexities. It has grown increasingly Democratic in the last few years, due in large part to a heavy influx of Hispanics, and also from a steady flow of young, high-tech professionals drawn here by high-paying jobs in the entertainment industry.

All the more reason to remain cautious, it would seem.

So why would Rogan, who won by a mere 3 percentage points in the last election, take on such a prominent role in the president's prosecution? Why push such a staunch Republican agenda? In a district growing more liberal by the day, where registered Democrats outnumber registered Republicans 133,149 to 114,864, why would Rogan risk it all by playing so easily into the hands of his detractors? Rogan has been called a Boy Scout by some, but even a Boy Scout wouldn't walk a senior citizen across the street if he saw a big truck coming.

"Because he follows his principles, it gets him into trouble," said Pam Corradi, GOP chair of the 43rd Assembly District, which Rogan took over after Republican Pat Nolan was sentenced to federal prison.

But are principles really all that's behind Rogan's role as a House manager? Or is there another agenda? Could he have his eyes on another prize?

"He feels it's his constitutional duty," said Bill Graham, a local Republican activist.

"He's not trying to win a popularity contest," said Tony Bell, spokesman for the California Republican Party in Burbank. "Jim Rogan's a guy who's willing to sacrifice his popularity because he's doing the right thing."

Mary Toman, newly elected chairwoman of the Los Angeles County Republican Party, said, "Jim Rogan is not a weathervane." Noting Rogan was the youngest sitting judge in the history of California, Toman added, "A judge needs to stand up for the rule of law. Our freedoms are based on the rule of law. At the end of the day, people will say [Rogan] was very courageous."

"He's 'outed' himself, in a sense, as a true conservative, not a moderate."
— Tim Wendler, local activist

Courageous, perhaps. But also possibly naïve. One can almost hear the sabers rattling on the other side of the aisle as Rogan's opponents prepare for 2000. Rogan may win the battle but lose the war.

"People feel that he has a certain arrogance about him," said Tim Wendler, a local Democratic activist who vows to work hard against Rogan's re-election. "It's clear he's decided to support the Christian Coalition and not the constituents of his district."

Through his highly visible role as a House manager, Wendler said, "He's 'outed' himself, in a sense, as a true conservative, not a moderate."

Other prominent local Democrats, such as Lois Williams, president of the Verdugo Hills Democratic Club, and Leo Whitaker, a long-time party activist, have promised not only to remind voters of Rogan's role in the impeachment trial, but to get to the bottom of his financial support from conservative activists.

Still other questions remain about Rogan's ethics. If, as Republican Party leaders say, James Rogan is a man whose principles are above reproach, then why did the congressman resort to a direct-mail "smear piece," against Barry Gordon just days before the election, trashing his challenger's personal finances and, according to Gordon, grossly misrepresenting the facts? Of course the body politic is littered with the corpses of those like Gordon, who got caught flat-footed, but few expected such a piece from Rogan. The mailer drew heated letters in the local press.

Other issues remain in this diverse district: hillside development, Social Security, gun control, abortion rights, the Burbank Airport expansion, public schools vs. private. Is Rogan spending too much time chasing the president? The airport expansion plan, in particular, has drawn ire from Rogan's opponents, who accuse the congressman of

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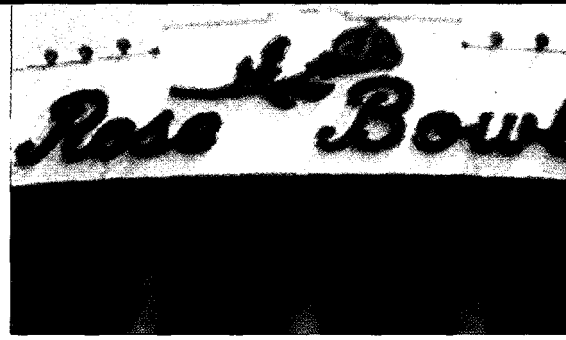

waffling or being a no-show for several important public forums. Add to this Rogan's highly visible role in one of the most unpopular trials of the century, one in which the polls continue to support the president's case by more than two-to-one, and it may be enough to tip the scale against him and usher him out of office. Which leads back to the question: Why?

It may be that, as some have suggested, Rogan and the Republican party have their eyes on bigger things for the second-term congressman. Seen in many circles as a rising star within the GOP, the impeachment trial affords Rogan the perfect opportunity for the sound bites and photo ops needed for career advancement in state and national politics.

"It's increased his name identification," agreed Mike Schroeder, outgoing chairman of the California Republican Party.

"His visibility has increased because of this," echoed Bell. "And I don't think it will be considered negative visibility when all is said and done."

"It's a great opportunity for him," said Theodore Garcia, a local Republican activist. "He stepped up to the plate and hit a home run."

Rogan's opponents speculate that he may indeed be positioning himself for higher office. "The rumors are he's looking at state attorney general, possibly senator," said Lyn Shaw, the Democrats' district chair of the 43rd Assembly District.

"He's always played political leapfrog," said Gordon. "He's never stayed anywhere for a long time."

With reapportionment coming in 2001, and the district moving away from Rogan demographically, there may be some of this in Rogan's actions. Then again, maybe not. Many of his supporters see Rogan a man who follows his gut instinct.

Rick Arthur, editor of the *Glendale News-Press*, observed, "As always, people love or hate Jim Rogan. People's feelings haven't changed; they've just been heightened. I don't think this guy is an act."

This was echoed almost identically by Steve Scauzillo, editor of the opinion pages at the *Pasadena Star-News:* "Jim Rogan is a passionate guy who believes in what he says. It's not politics for him. Even if it angers people in the district, he's going to continue doing what he's doing. That's the way this guy does everything."

Scott Memmer is a freelance writer in Southern California. Comments may be e-mailed to editor@statenet.com.

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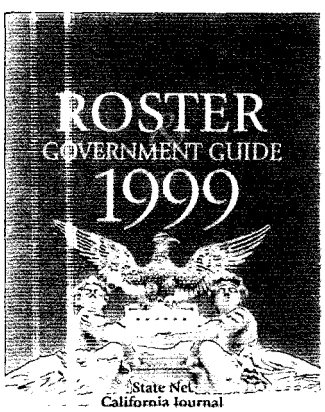

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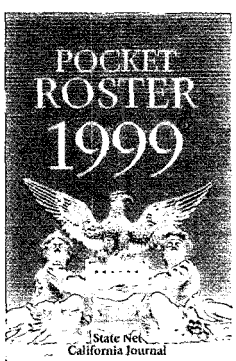

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Kim Alexander and the California Voter Foundation

From humble beginnings, the California Voter Foundation has grown into an important political enterprise thanks to the drive and good-government instincts of its guiding spirit — a 33-year-old woman who already has spent more than 15 years in and around California politics.

By Max Vanzi

By the time she and her future board chairman met for the first time, Kim Alexander had single-handedly thrown some bold new light into the darker corners of state politics and electioneering. David Jefferson concluded that here was a skilled Capitol operator, no doubt a veteran reformer from way back.

Alexander had taken the California Voter Foundation, a neglected stepchild of the California Secretary of State's office, and made it home base for delivering rafts of information by computer to the voting public on candidates running for statewide office in the 1994 general elections. Working almost solo, no employer, no fat bankroll, she built from the ground up what would become California's first non-profit, non-partisan, handy-dandy Internet voter guide. It was a service that offered computer users from Eureka to San Diego the kind of basic political intelligence that seldom circulated outside Sacramento: candidate speeches, biographies, campaign promises, all unedited and unfiltered through intervening media. Since its maiden launch, the guide has expanded to new worlds of knowledge for the online voter, including the lowdown on political money. The mother's milk of politics, folks, at your fingertips.

Jefferson, a research engineer searching out new Internet applications for the Digital Equipment Corporation in Palo Alto, had been impressed with Alexander's 1994 online voter guide. Encouraged also by the savvy he was hearing as the two of them talked on the phone, he set up a meeting, and got a surprise.

"She was younger than I had thought," Jefferson said. "I had imagined her being, I don't know, maybe 40. She was under 30 at the time." Here, he observed, was this young but well-connected, obviously astute Capitol operator who could talk computers and politics with uncommon aplomb. "I was extremely impressed."

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After working with her on a computer-based voter guide for San Francisco in 1995, Jefferson accepted Alexander's invitation to join the California Voter Foundation's board of directors in 1996. He became board chairman in 1997. He continues exploring new Internet possibilities for Compaq Computer, the successor to Digital. During an interview, Alexander recalled happily that first meeting with Jefferson, her bluer-than-blue eyes sparkling at the notion she had been perceived as young, committed and accomplished.

Though a ripe old 33 now, and her foundation an established fixture in the Capitol firmament, Kim Alexander sees in herself the same youthful, endless possibilities that she associates with the Internet itself. "The web is new, it's young. I feel free to be myself in this medium. There is the sense the kids are in charge. I like that," she said. During a chat at the California Voter Foundation offices, Alexander also allowed as how once, but only once, mistakes crept into her voter guide data on campaign contributions. She also confessed to a penchant for self-promotion, necessary, she said, as she goes about explaining to charitable foundations and corporations why they should contribute to her cause, which they have. Alexander's offices occupy the second floor of a handsome old former residence building near downtown. Inside, electric wires literally climb the walls connecting Alexander's 20-inch computer monitor to the terminals of two assistants, and thence to the hyperlinked Internet world beyond.

The scene fits what Alexander called the "the tremendous amount of energy we put out here every day." The young author Michele Mitchell, in her book "A New Kind of Party Animal," which celebrates New Age political activism, featured Alexander as a prime exemplar of her theme, summed up in the book's subtitle, "How the Young are Tearing Up the Political Landscape."

Alexander took her first rip at politics-as-usual with that first 1994 online voter guide. She came at it prepared, in both experience and motivation. A fifth-generation

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"I had come to see money in politics as something like an air bubble underneath the carpet; if you step on it in one place, it just pops up somewhere else."
— Kim Alexander

Californian from a family of achievers, Alexander rejoiced when her father won an upset race for a seat on the Culver City Council in 1973 and later became mayor. But then, "I asked my dad why he didn't run for higher office. He said he didn't want to go out and beg for money."

Dialing for dollars

So this, unfortunately, was the way it was in the real political world, thought 15-year-old Kim. Later, as a student at the University of California, Santa Barbara, "I continued thinking about this problem." As a volunteer in state Senator Gary Hart's 1988 campaign for a Santa Barbara area congressional seat, Alexander watched Democrat Hart, who was "dialing for dollars and hating it," barely lose to Republican incumbent Robert Lagomarsino. The two candidates ran up $3 million in campaign costs, a record that year for a congressional contest. Lagomarsino, in turn, would be ousted in the Republican primary four years later by the famously wealthy Michael Huffington, who would go on to wage a staggering $29 million campaign in a losing 1994 effort to kick Dianne Feinstein out of the U.S. Senate.

Money, money, everywhere, observed Kim Alexander. And how can a voter keep tabs on it all? The answer was, apart from following press coverage, only by trekking to a county registrar's office or the Secretary of State's office in Sacramento to examine heaps of paper records.

"I had come to see money in politics as something like an air bubble underneath the carpet; if you step on it in one place, it just pops up somewhere else," Alexander said. The buying of influence, she observed, "just didn't go away."

By 1992, Alexander had interned for Common Cause in Washington, D.C , had come to Sacramento where she was hired by California Common Cause in a paid position and in between had served in the Capitol as a Senate Fellow for Democrat Herschel Rosenthal of Los Angeles, her hometown state senator. She was learning how Sacramento worked, while still thinking about reforms.

"I began to take a big interest in voter education while I was at Common Cause," she said. It seemed that "we could reduce the need for money in politics [through] more non-partisan voter education, by encouraging voters to be more proactive." Politics was becoming "more shallow and meaningless to many voters" who were exposed to little more than slick campaign ads as a guide to voting.

Press coverage corrected some of the distortion, but not enough. "I started thinking about the Internet in 1992," she recalled. "I thought, here's the way to get [better] information out to people. It's affordable, it's effective, you don't have to print a 300-page guide and mail it to people, and who wants to read a telephone book anyway?"

A year later she helped promote then-Assemblywoman Debra Bowen's (D-Venice) successful legislation to require all the Legislature's voting and legislative records to go online, opening up the law-making process to the public, arguably, as never before.

The possibilities for Alexander to do likewise with political campaigns arose in 1994 when Tony Miller, then acting secretary of state, offered Alexander the remnants of a non-profit entity that the agency had created, then abandoned. It was called the California Voter Foundation. "Aha, here is something I can work with," Alexander recalled thinking, to realize her desire of educating voters "in a meaningful way." Only if the state electorate could become better informed, Alexander had maintained all along, would the importance, and the deceptive nature, of political money diminish. Here was a starting point.

With $13,000 in the foundation's bank account and left with little else but a title, Alexander "refounded" the California Voter Foundation, and began assembling her first Internet voter guide.

A 'pretty groovy' time

The work consisted of Alexander running around to campaign offices collecting computer diskettes on which the candidates were storing speeches, press releases, position papers, endorsement lists and biographies. She confined the exercise to candidates running for statewide office in the November general election, as well as the state's 1994 candidates for U.S. Senate, Feinstein and Huffington. Everyone cooperated, Alexander recalled, except Democrat Kathleen Connell, who won the race for state controller. For further context, the voter guide included job descriptions of the offices being sought along with articles from the *California Journal* analyzing races.

Alexander launched her voter guide on the Internet with the help of Pacific Bell, which supplied the equipment leading from Alexander's borrowed personal computer. (At every step, she said she encourages partnerships that help her to run her operations). She held press conferences and wrote releases to advertise her creation. To stir up interest, she arranged an online demonstration for computer illiterate reporters. She worked out of her apartment, alone mostly, stretching the foundation's $13,000 as far it would go in paying her a small salary and helping with the

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rent. The money ran out before the project was complete "and I actually collected unemployment for a couple of months."

The experience, she said, was "pretty groovy. I was 28 and had no debts, no college loans and my car was paid for. In a lot of ways being poor was the most liberating thing that ever happened to me, because I realized I didn't need as much as I thought."

The completed voter guide was "nothing fancy, no bells and whistles." But she got results: 36,000 "page visits" to various components of the voter guide by people on computers tapping into the service.

Meanwhile, "I started writing letters like crazy to mostly California corporations," requesting money to keep the foundation going, pointing out that their grants are a tax deduction, "a good deal for them."

Out of 36 corporations that were asked for support, "12 of them said yes," Alexander said, netting her $12,000 and no further need for unemployment benefits. The Oracle, Intel and Apple computer companies sent checks, as did Pacific Gas and Electric, Pacific Telesis and the California Teachers Association. Launched and firmly in orbit following the 1994 election, the California Voter Foundation grew as did the Internet and its service providers. So far, Alexander has produced Internet guides for California voters in five elections, with all of the data from each campaign still available at the foundation's web site, www.calvoter.org.

Follow the money

Click on that address today and you will be welcomed to Alexander's world of political intelligence on a screen decorated with a sunburst blue and gold logo. From the welcome page, the links go on and on, covering more than 300 web pages from the 1998 general election alone.

For voters in 1996 and more so in 1998, guides were prepared for primary and general elections containing information on candidates up and down the California ballot. Background on state ballot measures was there to view as well. Alexander broke new ground in 1996, providing on the Internet for the first time campaign finance reports on late contributions. Alexander e-mailed her reports to reporters and others after trooping to the Secretary of State's office with her assistants to make entries on a laptop computer from the agency's paper records.

While the 1996 voter guide took a giant step toward "following the money," it was then that Alexander's service made an error, attributing to Republicans primary election campaign contributions going to Democrats. "We were using some mixed-up data from the Secretary of State," Alexander said. While reporters privately faulted her for not acknowledging the miscue, Alexander said there was an admission posted on her web site. She said the error warranted re-examination of some procedures but that, after all, "It's hard; we're at the forefront of a digital revolution."

The good news was that by 1998, a vast amount of political money was getting reported online, either from Alexander's service or from the secretary of state, thanks mainly to a state law passed in 1997. The law mandates, in stages, the electronic filing and Internet disclosure of all state campaign and lobbying finance transactions. Alexander had been instrumental in promoting passage of the electronic-filing bill — in fact, had pushed too hard in earlier versions that had failed passage, according to a source familiar with the effort.

"Originally, Kim" was more aggressive than members of the Legislature were ready for. She had to learn to take it a little slower, and she learned to do that in the end," said the source, who asked to remain identified.

Secretary of State Bill Jones praised Alexander without qualification. "She's to be complemented," he said, for her help in the three-year effort to require electronic filing of campaign reports, which Jones had made a priority goal. Additionally, he said, "there is no question the California Voter Foundation provides a valued service."

Alexander said she takes care not to compete with the Secretary of State's Office. In1998, the state agency posted contribution reports from 16 candidates who volunteered to file electronically. The office also placed online late-contribution reports from all state campaigns. On Alexander's service, web readers could view two top-10 lists of contributions to statewide candidates and ballot measure races, as well as all itemized contributions from the regular (as opposed to late) campaign finance reports.

Shining the light

Besides voter guides, other components of the California Voter Foundation online include a guide to the California Legislature, with links to its databases, and a feature called Digital Sunlight to promote further online disclosure of campaign finances. There were 450,000 page views as of mid-December, 1998. From the low-budget operation she began with, Alexander said she has raised $600,000 for the project to date and receives an annual salary, set by her board, "in the mid-50s."

She now is soliciting, online, "charter memberships" in the foundation, beginning at $35 a year for individuals. Like public broadcasting, she said, her funding must come from as broad a base as possible for the enterprise to grow as a doggedly independent "giant information co-op" for California voters.

Alexander speaks confidently of a secure future for her enterprise and others like it, in which "today's children growing up will expect political information on the net." The Internet, she said, is the right tool to forge the more informed electorate that the country needs, and needs soon.

"I hate to sound overly dramatic," Alexander said, "but given the fact we impeached a president a few days ago, we don't have all the time in the world to make politics better."

Max Vanzi worked for nine years in the Sacramento bureau of The Los Angeles Times *and now writes freelance. Comments regarding this article may be e-mailed c/o editor@statenet.com.*

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America speaks: Tell me something new

by Dana Wilkie

Just before Christmas, Americans would read that they cared less about President Clinton's impeachment than they did about two school shootings, the election, the summer heat wave and the military strikes against Iraq, Afghanistan and the Sudan.

No offense to pollsters, but Americans already knew that.

The nation was disenchanted with Clinton's ordeal not only because senators don't know how to make an impeachment trial fun. It was also because reporters didn't have much fun with it either.

Maybe there weren't a lot of ha-ha's in an event that gave us more than 55 hours of truly dreary speeches from sour-faced White House attorneys. And law-school-like lectures from House Republicans.

There were rare bright spots. Like a videotaped Monica Lewinsky cementing her Valley Girl image by shaking away strands of hair that kept falling near pouty lips. Someone should tell this woman about barrettes.

But there weren't enough to justify CNN devoting nearly round-the-clock coverage to the trial. That meant more than a month of minute-by-minute updates on the finer points of perjury "materiality," and shot after shot of closed doors as senators debated the impeachment articles in secret. "There is some question whether any of us will ever know" what those senators said behind closed doors, intoned a grave-faced NBC News anchor forced to fill air time.

Doubtless this kept many Americans up that night.

As for newspaper reporters, they usually reminded readers of the "historic" import of the impeachment trial, right before they wrote oatmeal-flavored stories littered with back-room, in-the-know stuff about deals and speculation over vote counts.

About a week before senators finally acquitted the president of perjury and obstruction of justice charges, a majority of Americans said they were fed up with the trial.

Reporters — and this writer confesses to be among them — made themselves accomplices in an impeachment dance that seemed more intent on feeding Washington egos than feeding the public. That's been a fact of Washington political coverage for a long time.

During one break in the secret debates, reporters — bored and with little to tell their news desks — descended on Sen. Herbert Kohl, Democrat of Wisconsin. They milked him for the silliest of details: Who spoke first? (Surely the answer jolted readers awake the next morning.) What did they have for lunch? (Are senators now part of that orbit of celebrities whose eating habits are a must-know?)

There really should be term limits for Washington reporters. In the Beltway Bubble, journalists spend too much time with the people and events they cover, forgetful that America is not consumed with the sport of partisan haggling, the arcane procedures of Congress, and whether their politicians prefer tuna fish or chicken salad.

Reporters made themselves accomplices in an impeachment dance that seemed more intent on feeding Washington egos.

That is why papers like *The New York Post*, which dared to call the impeachment mess "Sexgate," are such fun. It's why America likes *USA Today*, with its colorful pictures and bite-sized stories. We could have used more pieces like the one that began: ""A vow of silence from a senator is a lot like a vow of celibacy from a rabbit."

But more stories like that might have meant the deflating of many a puffy ego.

House members and senators spent hours in front of hallway microphones expanding on points they could have made in 60 seconds. Even bound to secrecy, senators happily jumped on network news shows to talk about what they were saying in secret.

Political professors spent so much time filling newspaper stories and the airwaves that one wondered if it was at the expense of students who didn't get their money's worth last semester.

And reporters, loathe to appear unsophisticated, lapsed into an inside-the-bowels-of-Congress-speak that bored and irritated Americans.

Political talk show hosts droned endlessly, under the mistaken impression that people would hungrily consume hour upon hour of Burden of Proof's Greta Van Susteren interviewing every lawyer in the land.

Perhaps America might have grown less annoyed with the trial had they been asked a simple question: What would you rather do: Watch craggy-faced John McLaughlin and a bunch of poorly dressed reporters gabbing incestuously about presidential punishments that will never happen? Or get on with your life?

That's what we thought.

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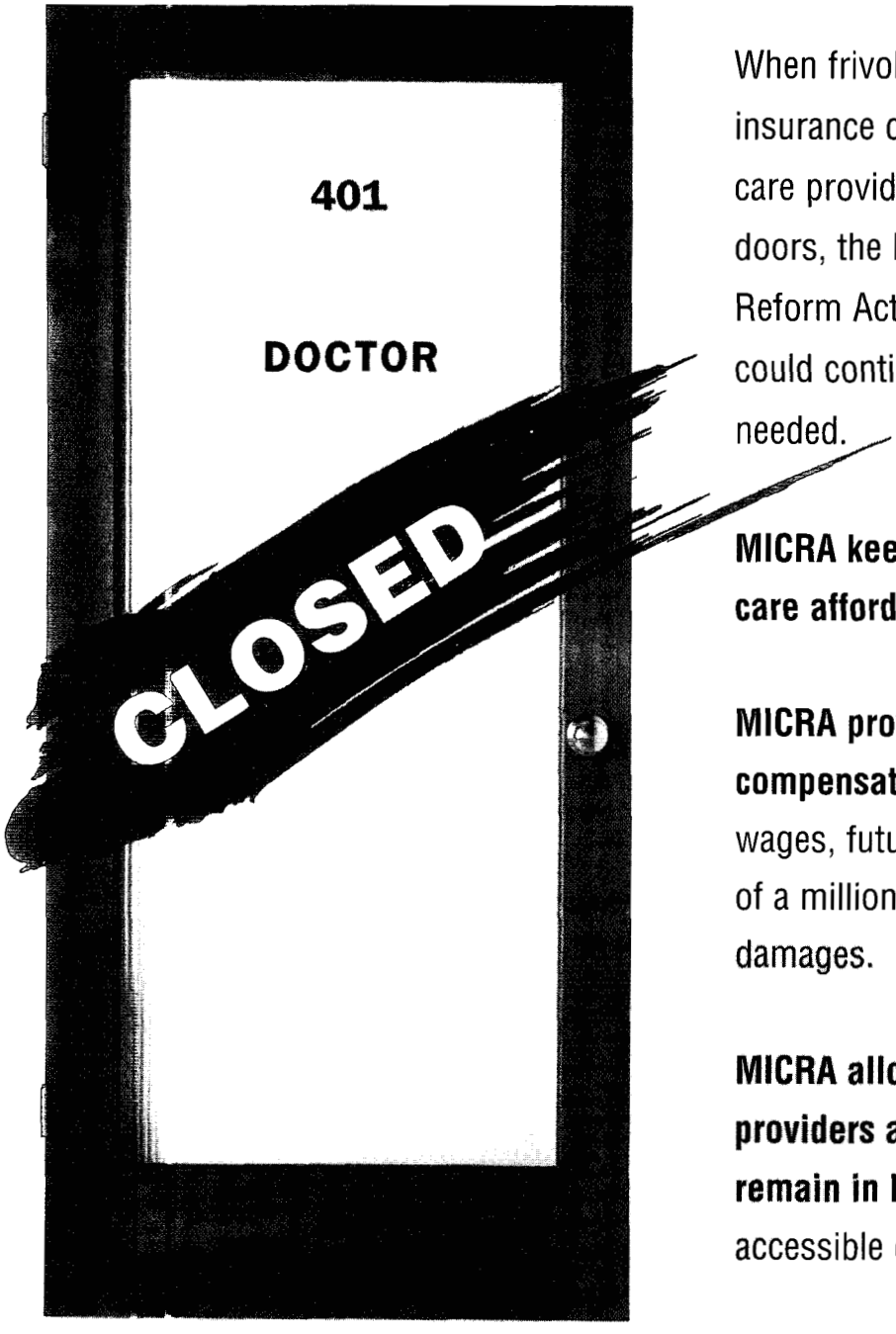

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